

1 SULLIVAN REPORTING COMPANY, by
2 Lisa Sheehy, CSR No. 084-002867

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9 I N D E X

10 Witnesses: Direct Cross Redirect Recross By ALJ

11 Steven J. Krol

12 35 98 147

13 Orlando Franco Wooten

14 151 164 185 186 172

15

16 E X H I B I T S

17 Number For Identification In Evidence

18 Respondent's

19 Nos. 1 - 20 31

20

21

22

1 (Respondent's Exhibits Nos. 1
2 through 4; 5A, B, and C; 6;
3 7A and B; 8; 9A, B, and C; 10;
4 11A, B, and C; 12 through 19;
5 20A and B marked for
6 identification)

7 JUDGE HILLIARD: On behalf of the Illinois
8 Commerce Commission, I call Docket 04-0732, Orlando
9 Franco Wooten versus Peoples Gas Light and Coke
10 Company, complaint as to billing and/or charges.

11 My name is Hilliard. I'm an ALJ for
12 the commission.

13 Can the parties, beginning with the
14 complainant, identify themselves for the record,
15 please.

16 MR. JARRETT: Dale Jarrett, attorney for
17 complainant, Orlando Wooten. Address is 4434 South
18 King Drive, Chicago, Illinois 60653; telephone number,
19 area code (773) 924-3055.

20 MR. GOLDSTEIN: On behalf of the Peoples Gas
21 Light and Coke Company, Mark L. Goldstein, 108 Wilmot
22 Road, Suite 330, Deerfield, Illinois 60015. My

1 telephone number is (847) 580-5480.

2 I have with me this morning Steven J.
3 Krol, K-r-o-l, who is the witness for this morning.

4 I would like to put on the record that
5 we were going to have another witness, our billing
6 witness, Susan Anderson, but her mother was taken ill,
7 and she was called out of town and could not make the
8 hearing, and we're asking that the matter be continued
9 so that she can testify in the matter.

10 I can state, for the record, that
11 Ms. Anderson either did the re-billing or billing of
12 the accounts that are set forth in Mr. Wooten's
13 complaint.

14 JUDGE HILLIARD: So what you're asking for is
15 that we go ahead with what we can do today, and that
16 her testimony be scheduled for some other time --

17 MR. GOLDSTEIN: Yes.

18 JUDGE HILLIARD: -- convenient to the
19 complainant --

20 MR. GOLDSTEIN: Yes.

21 JUDGE HILLIARD: -- and her? Okay.

22 Do you have a problem --

1 MR. JARRETT: No objection --

2 JUDGE HILLIARD: -- with that?

3 MR. JARRETT: -- your Honor.

4 JUDGE HILLIARD: All right. Then that's what

5 we'll do.

6 Are there any other preliminary

7 matters we need to discuss?

8 MR. GOLDSTEIN: I have none.

9 MR. JARRETT: I have none.

10 JUDGE HILLIARD: What's the order of

11 proceeding you want to start today?

12 MR. GOLDSTEIN: I think that because Mr. Krol

13 is the field investigator who investigated the alleged

14 steals at the various Wooten properties, I believe he

15 should go first and explain what he did, and then have

16 cross-examination of him, and then I thought we would

17 proceed with any witnesses that Mr. Jarrett would

18 present today.

19 JUDGE HILLIARD: I would note, for the

20 record, that there was a subpoena or a motion for

21 subpoena.

22 MR. GOLDSTEIN: Yes.

1 JUDGE HILLIARD: Did you serve the subpoena
2 on complainant?

3 MR. GOLDSTEIN: I did serve the subpoena both
4 on Mr. Wooten and his counsel.

5 JUDGE HILLIARD: Okay.

6 Do you acknowledge receipt of the
7 subpoena?

8 MR. JARRETT: I acknowledge receipt, and the
9 subpoenaed witness should be here shortly.

10 I talked to him this morning, as well
11 as a few minutes ago, and I expect him to walk through
12 this door any minute.

13 JUDGE HILLIARD: Okay. Fine.

14 Are you in agreement that the
15 respondent can put on this witness first?

16 MR. JARRETT: I have no issue with that.

17 JUDGE HILLIARD: No problem with that? Okay.

18 All right. Sir, would you raise your
19 hand and be sworn.

20 (Witness sworn)

21 MR. GOLDSTEIN: I call Steven J. Krol.

22

1 STEVEN J. KROL,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. GOLDSTEIN:

7 Q Mr. Krol, could you state your full name, by
8 whom you're employed and in what capacity.

9 A My name is Steven J. Krol, K-r-o-l. I'm a
10 field investigator with the gas diversion detection
11 department of Peoples Energy Corporation.

12 Q And how long have you worked for Peoples?

13 A I'm in my 18th year.

14 Q And how long have you been a field
15 investigator in the revenue protection unit?

16 A I'm in my eighth year.

17 Q And over the past eight years, could you give
18 us some idea of how many gas theft investigations
19 you've participated in?

20 A Hundreds, if not thousands.

21 Q And let me show you what was attached to the
22 formal complaint as Appendix A.

1 It lists a variety of properties that
2 are attached and owned by Mr. Wooten. Did --

3 MR. JARRETT: We have not established that
4 what you're showing him are properties owned by
5 Orlando Wooten.

6 MR. GOLDSTEIN: All right.

7 Q Attached to -- I'll rephrase the question, if
8 you'd like.

9 Attached to the formal complaint as
10 Appendix A are a list of various addresses and
11 properties. Do you see those?

12 A Yes, I do.

13 Q And did you make an investigation of most, if
14 not all, of those properties as part of your
15 investigation of alleged gas steals?

16 A Yes, I did.

17 JUDGE HILLIARD: When you say "steal," you're
18 referring to the theft of gas from Peoples Gas
19 Company?

20 MR. GOLDSTEIN: Yes.

21 JUDGE HILLIARD: Okay.

22

1 BY MR. GOLDSTEIN:

2 Q Let's first turn to the property at 8615
3 South Marquette.

4 JUDGE HILLIARD: Is there an agreement
5 between the parties as to who owns these properties?

6 MR. JARRETT: No, there is not, no agreement
7 as to who owns the property.

8 All that we can establish at this time
9 is that these amounts at these properties was billed
10 to Orlando Wooten.

11 MR. GOLDSTEIN: Who was the account holder
12 for most of the properties.

13 MR. JARRETT: They were -- he was the account
14 holder after the investigation, not prior to.

15 MR. GOLDSTEIN: Okay.

16 MR. JARRETT: That has not even been
17 determined, as to who was -- is the true account
18 holder at that address in the unit for that alleged
19 steal.

20 JUDGE HILLIARD: So the --

21 MR. JARRETT: That is something that we need
22 to establish at this trial.

1 JUDGE HILLIARD: All right.
2 You're contesting his ownership of
3 these properties?
4 MR. JARRETT: The ownership of the property,
5 as well as the account for the meter which was
6 investigated.
7 JUDGE HILLIARD: And what's your position,
8 Mr. Goldstein?
9 MR. GOLDSTEIN: Today we're not prepared to
10 establish who the account holder or who the owner of
11 the property is.
12 That's in the realm of Ms. Anderson,
13 who did the billing and has that information.
14 JUDGE HILLIARD: What you want to do here
15 is establish --
16 MR. GOLDSTEIN: Establish --
17 JUDGE HILLIARD: -- that he conducted an
18 investigation --
19 MR. GOLDSTEIN: An investigation of various
20 properties --
21 JUDGE HILLIARD: Mr. Krol did.
22 MR. GOLDSTEIN: -- at various locations and

1 what he found with respect to the thefts of gas.

2 JUDGE HILLIARD: And your --

3 MR. JARRETT: And that's all that can be done
4 at this point today.

5 In terms of whether or not there was
6 proper billing of these alleged steals, whether or not
7 the amounts that was billed was proper, none of that
8 can be determined at this point, only the existence or
9 the allegation of tampering or steals at the
10 locations, but not who was responsible for that.

11 (Three men entered the hearing
12 room)

13 MR. JARRETT: Your Honor, Orlando Wooten, the
14 subpoenaed complainant --

15 JUDGE HILLIARD: Okay.

16 MR. JARRETT: -- has arrived.

17 JUDGE HILLIARD: So what you're telling me is
18 you're going to tie up the ownership with the
19 investigation at some point prior to the close of your
20 case --

21 MR. GOLDSTEIN: That's correct --

22 JUDGE HILLIARD: -- is that right?

1 MR. GOLDSTEIN: -- Judge.

2 JUDGE HILLIARD: All right.

3 And it's your contention, Mr. Jarrett,

4 that there may or may not be an issue as to the

5 ownership of these properties and the -- who was the

6 account holder --

7 MR. JARRETT: That's correct.

8 JUDGE HILLIARD: -- at the time of the --

9 MR. JARRETT: That's essential in all of

10 these accounts.

11 There are over -- almost 30 accounts.

12 Orlando Wooten does not live in 30 residences.

13 JUDGE HILLIARD: All right.

14 MR. JARRETT: So that is an essential thread

15 of what needs to be determined today.

16 JUDGE HILLIARD: I'd like to ask you, when

17 I'm speaking, try not to talk over me.

18 MR. JARRETT: I'm sorry.

19 JUDGE HILLIARD: Let me finish my thought,

20 because the court reporter can't take down two people

21 speaking at one time.

22 MR. JARRETT: Sure.

1 JUDGE HILLIARD: Proceed, Mr. Goldstein.

2 MR. GOLDSTEIN: All right. Thank you.

3 BY MR. GOLDSTEIN:

4 Q Let's turn first to 8615 South Marquette, the
5 second floor rear.

6 You went out and investigated an
7 alleged -- well, let's go back. Let's backtrack here
8 first.

9 How do you become informed that there
10 is the possibility of an alleged theft of gas at a
11 particular location?

12 A Other employees might report a condition that
13 we want to -- that we want investigated.

14 Our office personnel might see
15 something on the computer that might look suspicious
16 or out of the ordinary, and then an investigative --
17 an investigation is generated, and we go out to the
18 property.

19 Q And ordinarily, do you prepare a field
20 investigation summary report of what you find at a
21 particular location?

22 A Yes, we do.

1 Q And let's first turn to 8615 South Marquette.

2 Can you tell us when you went out
3 there to investigate an alleged theft of gas?

4 A On 9/14 of 2004.

5 Q And you went out there. And what did you
6 discover?

7 A We found a vacant meter bar in place, and we
8 had that bar removed, and we found the two three-
9 quarter inch nipples that the bar sits on. We found
10 that that -- those nipples were violated.

11 We found non-gas company pipe dope on
12 the inlet nipple threads and Teflon tape on the outlet
13 threads, and the inlet pipe was loose.

14 Q And did you note that on a particular
15 document?

16 A Yes, I did.

17 Q Let me hand you what was marked as
18 Respondent's Exhibit 1.

19 JUDGE HILLIARD: Okay. Let me ask you a
20 question here.

21 You said you found a vacant something
22 bar?

1 THE WITNESS: A vacant meter bar.

2 JUDGE HILLIARD: Meter bar?

3 THE WITNESS: The bar was in place. The

4 meter was gone.

5 JUDGE HILLIARD: Okay. Thank you.

6 BY MR. GOLDSTEIN:

7 Q And you noted that on a particular document;

8 did you not?

9 A Yes, I did.

10 Q And that is what has been marked as

11 Respondent's Exhibit 1; is that correct?

12 A Yes.

13 Q All right.

14 Is there anything else that you would

15 want to note with respect to your investigation at

16 8615 South Marquette, second floor?

17 A That the piping was loose at the time.

18 We had all of the -- the two nipples

19 were removed, and the service was secured.

20 Q Let's now turn to --

21 JUDGE HILLIARD: Let me ask you a question

22 here. Was there gas flowing through the pipes?

1 THE WITNESS: Not at the time, no.

2 The gas was on to the premise, yes.

3 JUDGE HILLIARD: Okay. But it just -- there

4 was no gas being used at that particular moment in

5 time.

6 THE WITNESS: Right.

7 JUDGE HILLIARD: Okay.

8 THE WITNESS: Correct.

9 JUDGE HILLIARD: And did you tie this up to a

10 particular account?

11 THE WITNESS: Yes. Yes, the account at 8615

12 South Marquette, second floor.

13 JUDGE HILLIARD: Okay.

14 BY MR. GOLDSTEIN:

15 Q Let's now turn to the property at 2202 East

16 93rd Street, second floor rear.

17 MR. JARRETT: Will I have -- are we going to

18 proceed property by property? Or how many are you

19 going to go through before I have a chance to cross?

20 I'd like not to go beyond two before I

21 have an opportunity to cross.

22 JUDGE HILLIARD: Well, the standard

1 procedure, when you examine a witness, is he asks all
2 the questions, and then you do all your cross.

3 MR. GOLDSTEIN: I thought, Judge, to make
4 things easier, once I finished the direct examination,
5 I would provide counsel with all of the exhibits that
6 have been marked, and then he could proceed with his
7 cross.

8 JUDGE HILLIARD: Do you have a copy for him
9 now?

10 MR. GOLDSTEIN: I sort of do, but I would
11 prefer to do it this way, because all these are
12 marked, and some of the exhibits I didn't use. It's
13 very --

14 MR. JARRETT: My concern is that there may be
15 something that I haven't seen, and I want to have the
16 opportunity to --

17 MR. GOLDSTEIN: If he wants to proceed --

18 MR. JARRETT: -- review it before --

19 MR. GOLDSTEIN: -- that way, I have no
20 problem.

21 MR. JARRETT: -- I can ask questions.

22 JUDGE HILLIARD: You're going to have to

1 provide him with a copy of all your exhibits.

2 MR. GOLDSTEIN: Absolutely.

3 JUDGE HILLIARD: And you're going to have to
4 give him a chance to examine the exhibits and discuss
5 them with his client.

6 MR. GOLDSTEIN: Perhaps what we ought to do
7 is once I finish the direct examination, we'll take a
8 short recess, and we'll provide him with the exhibits,
9 and then he can go from there. Or any way he wishes
10 to proceed is fine with me.

11 JUDGE HILLIARD: All right.

12 I think what you want to do -- what
13 you -- the standard procedure and the procedure I'd
14 like to follow is that when -- he's going to have to
15 provide you with a copy of the exhibits.

16 You can take whatever time you need to
17 examine the exhibits, and then you can conduct your
18 cross-examination, but it is not -- it's not practical
19 to stop after every building and engage in cross-
20 examination. Okay?

21 MR. JARRETT: Yes.

22

1 BY MR. GOLDSTEIN:

2 Q All right. We're at -- 2202 East 93rd
3 Street, the second floor rear.

4 Can you tell me, Mr. Krol, when you
5 made an investigation of an alleged steal of gas at
6 that address?

7 A We made that investigation on 9/16 of 2004.

8 Q And as a result of that investigation, did
9 you have prepared a gas diversion field investigator
10 summary report?

11 A Yes, we did.

12 Q Let me hand what you has been marked as
13 Respondent's Exhibit 2, which is entitled "the gas
14 diversion field investigator summary."

15 Is that the report that you prepared?

16 A Yes, it is.

17 Q And could you tell us, based upon that
18 report, what you found when you went out to that
19 location to investigate the alleged theft of gas.

20 A Okay. We found the second floor rear meter,
21 meter No. 2615902, on one leg at index 1878, and the
22 house pipe for the -- the house pipe was being fed by

1 a three-quarter inch T closed nipple and elbow above
2 meter No. 2612807.

3 The connection provided unmetered gas
4 to all the -- all of the appliances at 02 -- I'm
5 sorry -- the 2202 2-Rear apartment. The gas was on
6 and being used at the time of our inspection.

7 JUDGE HILLIARD: Does that mean that there's
8 gas being diverted from someone else's account?

9 THE WITNESS: Yes. It was taken from the
10 source of one account and piped through the house
11 piping of the other account.

12 JUDGE HILLIARD: And what was the account it
13 was stolen from?

14 THE WITNESS: We had --

15 JUDGE HILLIARD: Or perhaps I should say
16 "being diverted from."

17 THE WITNESS: From meter No. 2612807.

18 JUDGE HILLIARD: And that's a unit other than
19 the second floor rear?

20 THE WITNESS: Yes.

21 JUDGE HILLIARD: Do you know what unit it is?

22 THE WITNESS: No. I would have to -- I would

1 have to look that up.

2 JUDGE HILLIARD: How do you know it's the
3 wrong unit?

4 THE WITNESS: Just a minute.

5 2-Front.

6 JUDGE HILLIARD: 2-Front. Okay.

7 BY MR. GOLDSTEIN:

8 Q And when you noted that condition, Mr. Krol,
9 did you do anything about it?

10 A Yes. We had -- we had one of our shop men,
11 No. 581, strip the drop and secure the service with a
12 three-quarter inch locking plug in the T on the
13 header.

14 Q And when you went out there on September
15 16th, did you take a photograph of the condition that
16 you have just described?

17 A Yes, I did.

18 Q I show you what has been marked as
19 Respondent's Exhibit 3.

20 Is that the photograph that you took
21 of the meter and the piping around the meter at that
22 location?

1 A Yes, it is.

2 Q And does it truly and accurately portray what
3 it purports to portray?

4 A Yes, it does.

5 Q And could you describe, again, what is shown
6 on that particular photograph.

7 A It shows the three-quarter inch T union and
8 elbow going into the house piping of meter
9 No. 2615902, and that is the meter that was assigned
10 to the second rear apartment.

11 So you have piping -- unmetered gas
12 that was taken -- that was taken from the inlet side
13 of the 807 meter and put, via this piping, into the
14 house piping of the 2-Rear meter.

15 JUDGE HILLIARD: Is it unmetered, or is it
16 metered to --

17 THE WITNESS: It's unmetered gas.

18 JUDGE HILLIARD: -- somebody else?

19 THE WITNESS: It's unmetered gas.

20 JUDGE HILLIARD: Or is it metered to 2807?

21 THE WITNESS: No. It's taken before the
22 meter. It's above the meter --

1 JUDGE HILLIARD: I see.

2 THE WITNESS: -- of the 2-Front apartment,
3 piped into the house piping of the 2-Rear apartment.

4 JUDGE HILLIARD: Okay.

5 THE WITNESS: Never went through any of the
6 meters.

7 BY MR. GOLDSTEIN:

8 Q Is there anything else you would like to add
9 with respect to your investigation that you made at
10 this location on September 16th?

11 A No.

12 Q Let's now turn to 8620 South Marquette, first
13 floor rear.

14 You went out there and made an
15 investigation at that location; did you not?

16 A Yes.

17 Q And what --

18 JUDGE HILLIARD: Which unit was it? I'm
19 sorry.

20 MR. GOLDSTEIN: 8620.

21 JUDGE HILLIARD: I've got that part.

22 MR. GOLDSTEIN: South Marquette, first floor

1 rear.

2 JUDGE HILLIARD: First floor rear.

3 MR. GOLDSTEIN: I'm sorry. First floor

4 front. I misspoke.

5 JUDGE HILLIARD: Okay.

6 MR. GOLDSTEIN: Thank you.

7 Q And you went out and made an investigation at

8 that location; did you not --

9 A Yes --

10 Q -- Mr. Krol?

11 A -- we did.

12 Q And could you tell us when you began your

13 investigation of that location?

14 A It was on 9/21 of '04.

15 Q Had you been out there previously?

16 A Yes. We were there, and we had posted the

17 building for access.

18 Q And what does that mean, particularly?

19 A Well, we were denied access on a prior visit,

20 and we posted the building, asking for access because

21 of a possible dangerous condition, and we were finally

22 given access on 9/21 of '04.

1 Q All right.

2 And what did you find when you went
3 out there on September 21st, 2004, with respect to the
4 potential for a steal or a theft of gas?

5 A Okay. We found the first floor front
6 meter -- and that meter number is 2656039 -- that
7 meter was missing, and the inlet and outlet nipple of
8 the drop was found secured only with plain caps; so in
9 other words, there was unprotected service.

10 The meter was missing, and the nipples
11 that the -- that the bar would sit on were only
12 protected with plain caps.

13 We would never leave -- leave a
14 condition that way. That service was not secured.

15 JUDGE HILLIARD: What's the difference
16 between that condition and what you would do? How do
17 you leave -- how would the gas company leave the
18 property?

19 THE WITNESS: The bar would be there, the bar
20 would be locked, and the bar would be secured with
21 locking plugs.

22 JUDGE HILLIARD: Okay.

1 THE WITNESS: The meter would be there too.

2 JUDGE HILLIARD: Sure.

3 BY MR. GOLDSTEIN:

4 Q And did you consider this a steal of gas
5 service?

6 A Yes. There's no way that any service
7 personnel would leave that condition. It's a
8 dangerous condition, the way that was left.

9 Q And let me show you what's been marked as
10 Respondent's Exhibit 4, which is a gas diversion field
11 investigator summary.

12 Is this the report that you made with
13 respect to what you found at this premise on September
14 21st, 2004?

15 A Yes.

16 Q And did you take any photographs of the meter
17 and the piping at that location?

18 A Yes, we did.

19 Q And are these the photos that you took?

20 I'm showing you three particular
21 photos, and they're for the 8620 South Marquette
22 building.

1 A Yes.

2 Q Are these the photos that you took?

3 A Yes.

4 JUDGE HILLIARD: Are they marked as exhibits?

5 MR. GOLDSTEIN: Yes, they are. They're

6 marked as Respondent's Group 5, Judge.

7 Q And do these photographs truly and accurately
8 portray what they are supposed to portray?

9 A Yes, they do.

10 Q And could you go through each one of them --
11 and they've been marked 1, 2, and 3 --

12 A Okay.

13 Q -- on the exhibits.

14 Could you describe for us what is
15 shown on Group -- Respondent's Group 5, No. 1.

16 A Photo No. 1 shows the overall condition of
17 how we found the drop. It shows the unprotected
18 service.

19 Photo No. 2 is the inlet nipple with
20 the collar still in place with the plain cap attached
21 to the inlet nipple. And the inlet nipple is our side
22 of the gas. That's where the gas is coming, the

1 unmetered gas.

2 JUDGE HILLIARD: Do you have a copy of these

3 things for me or for him?

4 MR. GOLDSTEIN: Yes, we do.

5 JUDGE HILLIARD: Can you give them to me?

6 MS. MEDINA: (Tendering photographs.)

7 JUDGE HILLIARD: Thank you.

8 Do you have one for him, for counsel?

9 MS. MEDINA: (No response.)

10 JUDGE HILLIARD: Is that a "no"?

11 MR. GOLDSTEIN: Yes, we have it.

12 MS. MEDINA: Yes.

13 MR. GOLDSTEIN: We'll provide it.

14 Q And the third photograph shows?

15 A The third picture shows how we left it.

16 The service is secured with a locking

17 plug on the header.

18 Q Is there anything else you would like to add

19 with respect to the investigation that you made at

20 8620 South Marquette, first floor front?

21 A No.

22 MR. JARRETT: Your Honor?

1 JUDGE HILLIARD: Yeah.

2 MR. JARRETT: I'd just like to state, for the
3 record, that these photographs that are being
4 presented to me at this time, they were not included
5 in any of the interrogatories requested from the
6 respondent, so this is the first time that I'm
7 actually privy to examine these photos.

8 JUDGE HILLIARD: If you have copies of a lot
9 of these exhibits as we go along --

10 MR. GOLDSTEIN: Why don't you provide them --

11 JUDGE HILLIARD: -- I'd appreciate it if you
12 could provide me a copy and provide him a copy,
13 because it's very difficult for either one of us to
14 follow what's going on if we can't look at the things
15 you're referring to.

16 What's your response to his statement
17 that he hasn't seen these before and that he asked you
18 for them?

19 MR. GOLDSTEIN: Did you ask for them? I have
20 no idea.

21 MR. JARRETT: Yes, I did, in the
22 interrogatories.

1 MR. GOLDSTEIN: And perhaps it was prior to
2 the time I became counsel, Judge.

3 MR. JARRETT: We asked for any photographs or
4 pictures or diagrams or photos relating to --

5 MR. GOLDSTEIN: I don't have any knowledge --

6 MR. JARRETT: We have not seen any of these.
7 These were not provided, any of these photos.

8 MR. GOLDSTEIN: Do you have photos there that
9 were provided?

10 MR. JARRETT: In here we do.

11 MR. GOLDSTEIN: Well, I don't know -- we'd
12 have to go through all that and see what was provided
13 and what wasn't, Judge.

14 JUDGE HILLIARD: You were provided with some
15 photos and not others? Is that what you're saying?

16 MR. JARRETT: I haven't had any photos.
17 I have a lot of the investigator
18 summary reports, but I have seen no photos.

19 MR. GOLDSTEIN: Well, what's -- you have one
20 right there.

21 MR. JARRETT: No. This was just given to me.

22 MR. GOLDSTEIN: Oh. I'm sorry.

1 MR. JARRETT: This was just given to me.

2 MR. GOLDSTEIN: I have no knowledge of that,
3 Judge. It was prior to the time I was -- there was no
4 discovery during the time I was counsel.

5 JUDGE HILLIARD: I think there was.

6 MR. GOLDSTEIN: I don't think so.

7 JUDGE HILLIARD: How long have you been
8 involved in the case?

9 MR. GOLDSTEIN: The past few months.

10 JUDGE HILLIARD: Well, to my recollection,
11 you're the only one who's appeared on behalf of the
12 gas company. I don't recall anybody else coming in on
13 this case.

14 MS. MEDINA: McGuire Woods.

15 JUDGE HILLIARD: Pardon me?

16 MR. GOLDSTEIN: McGuire Woods was counsel
17 before me, Judge.

18 JUDGE HILLIARD: Is that right?

19 MS. MEDINA: Yeah.

20 MR. GOLDSTEIN: And I believe I filed only an
21 additional appearance. Maybe I'm wrong.

22 I'll be happy to check and see what --

1 but I don't have any of that with me.

2 MR. JARRETT: So these photos are somewhat of
3 a surprise.

4 JUDGE HILLIARD: All right. Here's what I
5 think we ought to do about this.

6 MR. GOLDSTEIN: I would be happy --

7 JUDGE HILLIARD: You got a lot of documents
8 here, and it's unfair to produce a great volume of
9 documents and then hand them to him without giving him
10 a chance to examine the documents.

11 MR. GOLDSTEIN: I suggest, Judge, then, if
12 that's the case and he's taken by surprise -- and I
13 have no reason to doubt Mr. Jarrett -- perhaps what we
14 ought to do is continue the matter over to another
15 day, give him all the exhibits, give him everything
16 we're presenting, and then we'll bring back Mr. Krol.

17 JUDGE HILLIARD: Well, what we might do --
18 it's going to be up to the two of you, I guess -- is
19 you can continue to put this material on so that
20 Mr. Krol can be over and done with this.

21 We won't admit any of the exhibits
22 until you've had a chance to look at them and cross-

1 examine him, and you can -- we don't have to do that
2 today if you don't want to, and he's going to have to
3 tie up ownership with these properties to make it
4 relevant.

5 So do you want to proceed that way?
6 Let him put it on today. You get to look at the
7 documents. We'll bring him back another day, and you
8 cross-examine him, or maybe this afternoon.

9 MR. JARRETT: I suppose that's the most
10 expeditious way to do it.

11 MR. GOLDSTEIN: I have no problem with that,
12 Judge.

13 MR. JARRETT: But perhaps not this afternoon
14 because I think this is going to take --

15 MR. GOLDSTEIN: Well, I have no problem if he
16 wants to come back another day, Judge.

17 JUDGE HILLIARD: Fine. All right.

18 MR. GOLDSTEIN: I think we can arrive at a
19 date that everyone's agreeable to and perhaps bring in
20 Ms. Anderson at the same time.

21 JUDGE HILLIARD: Fine. All right.

22 I think that the pictures are --

1 they're helpful for me. I'd like to get them, make
2 them part of the record, if we can, but we can't -- we
3 have to give him a chance to examine these things, so
4 that's what we'll do.

5 MR. GOLDSTEIN: All right.

6 JUDGE HILLIARD: I don't remember the last
7 question.

8 (Record read)

9 JUDGE HILLIARD: I'm going to call these 5A,
10 B, and C. All right? C being the one with the locks
11 on it, B being the pipe detail, and C being the
12 original condition of the property. So if you're
13 asking questions about those particular photos, use
14 that convention.

15 BY MR. GOLDSTEIN:

16 Q I assume also on September 21st, you also
17 made an investigation of 8620 South Marquette, first
18 floor rear; is that right?

19 A Yes.

20 Q And since you were out there on that day --
21 what did you find when you went out there?

22 A We found the 1-Rear drop unprotected again.

1 The 1-Rear inlet and outlet nipple was found secured
2 with plain caps, and the --

3 Q Did you consider that to be a theft of gas
4 service?

5 A Yes, we did.

6 We wouldn't leave our service in that
7 manner. We always secure our service with locks and
8 then locking plugs.

9 Q And did you also take photographs of that
10 condition at 8620 South Marquette, the first floor
11 rear?

12 A Yes, we did.

13 Q Let me show you what's been marked as Group
14 Exhibit 7A and B.

15 JUDGE HILLIARD: What happened to 6?

16 MS. MEDINA: 6 is the report.

17 MR. GOLDSTEIN: 6 is the investigation
18 report, Judge.

19 JUDGE HILLIARD: For first floor front or
20 first floor rear?

21 MR. GOLDSTEIN: This is first floor rear.

22 JUDGE HILLIARD: All right.

1 You didn't introduce Exhibit 6?

2 MR. GOLDSTEIN: I'm sorry.

3 JUDGE HILLIARD: You didn't mention
4 Exhibit 6.

5 BY MR. GOLDSTEIN:

6 Q Let me show you what's been marked as
7 Respondent's Exhibit 6. That's a gas diversion field
8 investigation summary.

9 Is this the report that you prepared
10 based upon your investigation of 8620 South Marquette,
11 first floor front -- first floor rear?

12 A Yes, it is.

13 Q All right.

14 And you also took photographs of the
15 condition as you found it for the first floor rear?

16 A Yes, we did.

17 Q And those photographs have been marked as
18 Respondent's Exhibits Group Exhibit 7A and B.

19 Are these the photographs that you
20 took at that location on September 21st, 2004?

21 A Yes, they are.

22 Q And do they truly and accurately reflect what

1 you actually saw on that day?

2 A Yes, they do.

3 JUDGE HILLIARD: Do you have copies of 6 and
4 7 for me and for counsel?

5 MR. GOLDSTEIN: Yes, we do. We'll --

6 JUDGE HILLIARD: Can we have them?

7 I'll tell you what. Why don't we take
8 a break and see if you can organize your exhibits so
9 that everybody can look at the --

10 MR. GOLDSTEIN: Okay.

11 JUDGE HILLIARD: -- exhibits the same time
12 the witness is talking about them.

13 MR. GOLDSTEIN: Very good.

14 Give us about ten minutes, Judge.

15 JUDGE HILLIARD: All right.

16 (Recess taken)

17 BY MR. GOLDSTEIN:

18 Q Mr. Krol, we were discussing, before the
19 break, 8620 South Marquette, first floor rear, and I
20 was showing you two photographs marked Group
21 Exhibit 7, 7A and 7B.

22 Could you describe, for the record,

1 what is shown on exhibits -- start with Exhibit 7A.

2 A 7A shows the first floor rear inlet nipple
3 with the plain cap that I was talking about.

4 There's also -- 7B is a picture of --
5 with the -- is the same, but just a different shot of
6 it. It's the -- I'm sorry. It's the outlet nipple
7 with the plain cap on it.

8 7A is the inlet nipple with the plain
9 cap. 7B is the 1-Rear outlet nipple with the plain
10 cap. That was the unprotected service that I was
11 talking about earlier.

12 Q And why do you believe, based upon these
13 photos and your investigation of 8620 South Marquette,
14 first floor rear, that there was a theft of gas?

15 A That service -- that inlet nipple isn't
16 secured.

17 Anyone could take that plain cap off,
18 and you'll have unmetered gas and do whatever you need
19 to do with it.

20 We wouldn't leave a service that way.
21 It's a dangerous condition. We do not leave services
22 in that condition.

1 Q And was there any evidence of gas flowing
2 either -- out through the inlet nipple when you were
3 out at the time of your investigation?

4 A It was secured with the plain cap, but the
5 gas was on at the time of our inspection.

6 Q Thank you.

7 Is there anything else you would like
8 to add with respect to your investigation of that
9 particular 8620 South Marquette, first floor rear?

10 A No.

11 Q Let me show you -- well, let's go next to
12 9326 South Cottage Grove, the basement.

13 You went out there and made an
14 investigation; did you not?

15 A Yes, we did.

16 Q And what was the date of that investigation?

17 A 9/21 of '04.

18 Q And what did you find when you went out to
19 investigate the alleged theft of gas service at that
20 location?

21 A Once again, we had trouble gaining access to
22 the property.

1 When we finally got into the property,
2 the meters were located in a rear portion of the first
3 floor. On one occasion we were there early in the
4 morning, and I believe it was a tenant let us in, and
5 the meters were encased in a cabinet. He claimed he
6 didn't have the key to the cabinet.

7 We moved the plywood covering of the
8 cabinet aside, and we noticed that there was -- that
9 there were two flex range connectors across two drops.
10 One was a metallic connector, and one was a yellow
11 connector.

12 We informed the gentleman that let us
13 in that we needed access to our meters and piping, and
14 he claimed that he was going to contact Mr. Wooten to
15 get us access to the piping; in other words, to take
16 apart this cabinet so we could see all of our piping.

17 When we finally got into that area,
18 the meter area, we found that the basement inlet
19 nipple was unprotected, that the flex hose was gone,
20 and one was in place.

21 JUDGE HILLIARD: Did these observations take
22 place on different days?

1 THE WITNESS: No, same day.

2 JUDGE HILLIARD: Okay.

3 THE WITNESS: And we're not allowed to take
4 apart any portion of the customer's property.

5 Because it was enclosed in a cabinet,
6 either we would have a carpenter come out, our company
7 carpenter, and take it apart and then reassemble it,
8 or the owner would disassemble this. But we needed
9 access to our piping.

10 JUDGE HILLIARD: Sure.

11 THE WITNESS: So we came back later that day.

12 JUDGE HILLIARD: Okay.

13 BY MR. GOLDSTEIN:

14 Q And you filed a gas diversion field
15 investigator's summary, and that's been marked as
16 Respondent's Exhibit 8.

17 Is that the report that you made?

18 A Yes, it is.

19 Q And let me direct your attention to three
20 photographs which have been marked as Respondent's
21 Group Exhibit 9A, B, and C.

22 Are these the photographs that you

1 took at 9326 South Cottage on September 21st, 2004?

2 A Yes, they are.

3 Q And do they truly and accurately portray what
4 is shown in those photos?

5 A Yes.

6 Q Could you go through them one by one,
7 starting with Respondent's Exhibit 9A, and describe
8 what is shown in the photograph.

9 A Okay. 9A is the unprotected drop, basement
10 drop. It's the inlet nipple with the plain cap on it.

11 9-B is how we left the basement drop.
12 We stripped the drop out, we secured it with the
13 three-quarter inch free-wheeling plug. It's the
14 locking plug I've been talking about.

15 And 9C is the reinforced air/central-
16 heating plant, the furnace, that was supplied by the
17 basement meter house piping.

18 JUDGE HILLIARD: Why is that last picture
19 relevant?

20 THE WITNESS: It shows a need for why they
21 were -- hooked up the connection to the basement drop.

22 JUDGE HILLIARD: Okay. Is that --

1 THE WITNESS: The unmetered gas was supplying
2 this furnace.

3 JUDGE HILLIARD: Got it.

4 There's a long flexible hose, metal
5 hose in that 9C. Is that --

6 THE WITNESS: No. I believe that's --

7 JUDGE HILLIARD: -- what we're looking at?

8 THE WITNESS: I believe that's electrical.

9 JUDGE HILLIARD: All right. Fine.

10 THE WITNESS: That wasn't a part of --

11 JUDGE HILLIARD: That's not part of your
12 investigation.

13 THE WITNESS: No.

14 JUDGE HILLIARD: Okay.

15 THE WITNESS: No.

16 BY MR. GOLDSTEIN:

17 Q And subsequent to going out there on
18 September 22nd, I believe, did you go back out to the
19 premises at 9326 South Cottage in the basement area?

20 A Yes, we did.

21 Q And could you tell us when you went back to
22 the premises there?

1 A On 10/5 of '04.

2 Q And when you went out there, what condition
3 did you find with respect to the metering in the
4 basement?

5 A We found unprotected service again.

6 Q And did you take -- let me show you what's
7 been marked as Respondent's Exhibit 10, the gas
8 diversion field investigator's summary.

9 Is this the report that you made when
10 you went out there on October 5th, 2004, to 9226 South
11 Cottage in the basement?

12 A Yes, it is.

13 Q Is there anything else you want to add with
14 respect to when you went out there on that date,
15 October 5th, 2004?

16 A Yes. We found the second floor front vacant
17 bar was on the floor.

18 The inlet nipple, which supplies the
19 gas, with our armor collar, and meter bar was in
20 place.

21 The inlet nipple -- this inlet nipple
22 was open, and we found a three-quarter inch nipple

1 with an Imperial fitting attached to the 1-Rear house
2 piping. An Imperial fitting's a fitting that goes
3 along with a flexible hose, and we found a three-
4 quarter inch nipple with an Imperial fitting on the
5 floor; so in other words, we found -- again, we found
6 a source of unmetered gas and three-quarter inch
7 piping with Imperial fittings on them at the location.

8 JUDGE HILLIARD: And the point of the piping
9 and the Imperial nipple is that that provided a way to
10 get the gas to somewhere else?

11 THE WITNESS: At one time there was a flex
12 hose up. They removed the flex hosing but left the
13 one portion of the flex hose.

14 JUDGE HILLIARD: Okay.

15 THE WITNESS: It's a component of the flex
16 hose.

17 BY MR. GOLDSTEIN:

18 Q And did you take photographs when you went
19 out there on October 5th, 2004?

20 A Yes, we did.

21 Q Let me show you what's been marked as
22 Respondent's Exhibits 11 -- Group Exhibit 11A, B, and

1 C.

2 Could you describe for us what
3 is shown -- did you take these photographs, first of
4 all?

5 A Yes, I did.

6 Q And do they truly and accurately portray what
7 they are depicted to portray?

8 A Yes, they do.

9 Q And could you describe for us what these
10 photographs show, starting with 11A.

11 A 11A is the unprotected service; 11B is the
12 meter bar on the floor; and 11C is the three-quarter
13 inch piping with the Imperial fitting on it.

14 Q And based upon your investigations, both in
15 September and October 2004, with respect to 9326 South
16 Cottage Grove in the basement, what did you conclude
17 with respect to the potential for theft of gas?

18 A That unmetered gas was supplied to the
19 basement house piping and all appliances on that line.

20 Q Let's now turn to 9326, again, South Cottage,
21 first floor rear.

22 You were out there with respect to an

1 investigation of theft of gas; is that correct?

2 A Yes, it is. Yes, we were.

3 Q And when did you go out there?

4 A On 9/21 of '04.

5 Q And what did you find when you went out
6 there?

7 JUDGE HILLIARD: Wait a minute.

8 No, your first visit was on 9/22 of
9 '04; your second visit was 10/5/04.

10 Respondent's 12? Is that what we're
11 dealing with now?

12 MS. MEDINA: Yeah.

13 JUDGE HILLIARD: Respondent's 12 says the day
14 of -- it was 3/28/05.

15 MS. MEDINA: It's on the --

16 MR. GOLDSTEIN: No, no, no. That's the date
17 that -- Judge, that's the date that this --

18 JUDGE HILLIARD: That it was printed?

19 MS. MEDINA: Yes.

20 MR. GOLDSTEIN: That's the print date.

21 JUDGE HILLIARD: All right.

22 MS. MEDINA: Investigation date, it's 9/21.

1 JUDGE HILLIARD: So this is actually the
2 first time you were there?

3 BY MR. GOLDSTEIN:

4 Q When was the first time you were there at the
5 premises?

6 A We were there -- on 9/21 this is what we
7 found.

8 We were there prior to that to post
9 the building for access. We had trouble gaining
10 access to it. But on 9/21, all of the -- all of the
11 information on the report, those were our findings on
12 that day.

13 Q And we're talking about the first floor rear
14 with respect to 9326 South Cottage; is that right?

15 A Yes.

16 JUDGE HILLIARD: So this is a different unit?

17 MR. GOLDSTEIN: Yes, it is. It's not the
18 basement unit.

19 JUDGE HILLIARD: So on this particular day,
20 you were not looking at the basement. You're looking
21 at the first floor...

22 MR. GOLDSTEIN: Rear.

1 JUDGE HILLIARD: Rear.

2 MR. GOLDSTEIN: Yes.

3 JUDGE HILLIARD: Okay.

4 BY MR. GOLDSTEIN:

5 Q And what did you see when you went out there
6 on that day?

7 A We found, in the 1-Rear, meter No. 1989449
8 was not here, and we found a flex across the bar.

9 We removed the -- we had the metallic
10 flex removed and the drop protected.

11 Q And did you take a photograph of the flex
12 range connector across the meter bar?

13 A Yes, we did.

14 Q And let me show you what's been marked as
15 Respondent's Exhibit 13.

16 Is this the photograph that you took
17 on September 21st, 2004, of the flex meter -- flex
18 range connector across the meter bar?

19 A Yes, it is.

20 Q And could you describe, in any more detail
21 than I've just described, what is shown in that
22 photograph?

1 A What's shown in the photograph is the meter
2 bar. It's the reddish device above the flex hose.

3 You can clearly see that the stopcock
4 of the bar is on and the flex going from the inlet
5 side of the bar to the outlet side.

6 This would take unmetered gas through
7 the flex hose to the house piping and to all of the
8 appliances that were fed off of that line.

9 Q And does that photograph truly and accurately
10 portray what you were seeing at the time that you took
11 the photograph?

12 A Yes, it does.

13 JUDGE HILLIARD: Did you take that apart?

14 THE WITNESS: Pardon me?

15 JUDGE HILLIARD: Did you take that
16 arrangement apart?

17 THE WITNESS: We had it taken down, yes --

18 JUDGE HILLIARD: Okay.

19 THE WITNESS: -- and secured.

20 BY MR. GOLDSTEIN:

21 Q Let's now go to 9326 South Cottage, first
22 floor rear.

1 Did you go back out to the premises at
2 9326 Cottage to investigate further the first floor
3 rear?

4 A Yes, we did. We were there -- we were also
5 there on 10/5 of '04.

6 Q And when you were out there on October 5th of
7 2004, what did you discover when you went out there?

8 A We found an open nipple and the three-quarter
9 inch nipple with Imperial fittings attached on the
10 1-Rear house piping and a three-quarter inch nipple
11 with an Imperial fitting attached on the second floor
12 front house piping and a three-quarter inch nipple
13 with Imperial fitting on the floor.

14 Q And is that the condition that you left the
15 premises when you were out there previously on
16 September 21st?

17 A No, it's not.

18 Q And how had --

19 JUDGE HILLIARD: Excuse me.

20 Are you referring to a report which is
21 called Respondent 14?

22 MR. GOLDSTEIN: Correct.

1 JUDGE HILLIARD: And where is the date on
2 there?

3 MS. MEDINA: "Investigation date."

4 MR. JARRETT: I see the dates are blacked
5 out. The floors are blacked out.

6 THE WITNESS: 10/5 of '04.

7 MR. GOLDSTEIN: Yeah, but our copy's clearer.

8 MS. MEDINA: (Indicating) that's why it shows
9 it's blacked out.

10 JUDGE HILLIARD: Why were those blacked out?

11 MS. MEDINA: No, it (indicating).

12 JUDGE HILLIARD: When you put the yellow,
13 that's the way it comes through?

14 MS. MEDINA: Yes. It blacked it out.

15 JUDGE HILLIARD: All right. Go ahead.

16 MR. GOLDSTEIN: Off the record for a second?

17 JUDGE HILLIARD: Yes.

18 (Discussion off the record)

19 BY MR. GOLDSTEIN:

20 Q And so let me show you what's marked as
21 Respondent's Exhibit 14.

22 Is that the gas investigation field

1 investigator summary that you prepared when you went
2 out there on October 5th?

3 A Yes, it is.

4 Q And you've already described what you saw
5 when you went out there, correct?

6 A Yes.

7 Q Is there anything else you would like to add
8 with respect to that investigation?

9 A No. That was the-follow up investigation,
10 and we found -- basically found the same condition as
11 our prior investigation.

12 Q All right.

13 And you also made an investigation of
14 9326 South Cottage, the second floor front; did you
15 not?

16 A Yes, we did.

17 Q And when did you go out there to make an
18 investigation at that particular location?

19 A That was 10/5 of '04.

20 Q And that was the same day as the --

21 A Yes.

22 Q -- previous one?

1 And what did you find when you looked
2 at that particular second floor front location?

3 A Well, we found the unprotected service, and
4 we also found the second floor house piping -- that
5 was the three-quarter inch nipple with the Imperial
6 fitting that was found on the floor; so in other
7 words, we had unprotected service, and we had a flex
8 range connector, the Imperial fitting, a portion of
9 that flex range connector on our outlet nipple on the
10 floor, unprotected gas service.

11 Q And you also filed, again, a gas diversion
12 field investigator summary. And that's been marked as
13 Respondent's Exhibit 15; has it not?

14 A Yes, it has.

15 Q And is there anything else you wish to add
16 with respect to the particular investigation of the
17 second floor front at 9326 South Cottage?

18 A No.

19 Q Let's now turn to --

20 JUDGE HILLIARD: Hang on a second.

21 MR. GOLDSTEIN: Yeah.

22 JUDGE HILLIARD: On this 14 and 15 --

1 MR. GOLDSTEIN: Yes.

2 JUDGE HILLIARD: -- beyond the unprotected
3 service, is the gas being diverted around the meter,
4 or is there no meter?

5 THE WITNESS: There are no meters.

6 JUDGE HILLIARD: There's no meters for the
7 1-Rear or the 2 -- the second floor?

8 THE WITNESS: Correct.

9 JUDGE HILLIARD: And R-14 is first floor
10 rear; R-15 is second floor front?

11 MR. GOLDSTEIN: Front.

12 MS. MEDINA: Front.

13 MR. GOLDSTEIN: R-14 is second floor -- first
14 floor rear, I'm sorry, and second floor front; you are
15 correct.

16 JUDGE HILLIARD: Okay.

17 BY MR. GOLDSTEIN:

18 Q Let's now turn to the property at 9349 South
19 Cottage.

20 You went out there and made an
21 investigation, did you not, of an alleged theft of gas
22 service --

1 A Yes.

2 Q -- is that correct?

3 A Yes, we did.

4 Q And tell me when you did that.

5 A On 9/15 of '04.

6 Q And when you went out there, what was the
7 results of your inspection?

8 A We found meter No. 2710685 on at Index 0043.
9 A service person found that this meter was DNR. It
10 was not registering.

11 JUDGE HILLIARD: Is that what "DNR" means?

12 THE WITNESS: Yeah, did not register.

13 JUDGE HILLIARD: Okay.

14 THE WITNESS: Does not register.

15 And we checked the piping and
16 determined that this meter supplied a forced air
17 furnace in the basement and a forced air furnace for
18 the second floor.

19 All of the other meters and piping
20 were checked and found okay. All indexes on the
21 meters were -- all indexes on the meters showed the
22 same, and the meters were checked for registration,

1 and they did not register.

2 JUDGE HILLIARD: What does that mean?

3 THE WITNESS: The meters weren't working.

4 JUDGE HILLIARD: On any of the units?

5 THE WITNESS: On the 2-Front unit -- I'm
6 sorry. On the -- on the basement unit.

7 JUDGE HILLIARD: So how many meters were
8 there, and how many were not working?

9 THE WITNESS: There was one meter for the --
10 meter No. 2710685. That was the meter that was --

11 JUDGE HILLIARD: Okay.

12 THE WITNESS: -- not registering.

13 BY MR. GOLDSTEIN:

14 Q And that was the meter that was supplying the
15 basement?

16 A Yes, it was.

17 Q And the furnace in the basement?

18 A Yes, and the furnace.

19 Q And what did you conclude as a result of your
20 investigation on that, for the basement unit at 9349
21 South Cottage?

22 A We took the -- we took possession of the

1 meter, and we had it tested at -- by the city at our
2 Division Street meter test shop.

3 Q And you concluded -- did you conclude whether
4 there was a theft of gas or not?

5 A If the meter wasn't registering, yes.

6 JUDGE HILLIARD: How do you know that that
7 was the -- had the meter been tampered with?

8 THE WITNESS: That would be reflected in the
9 test after the meter was tested by the city at our
10 Division Street meter shop.

11 JUDGE HILLIARD: Right. Did you -- was there
12 any evidence that the meter had been tampered with, or
13 was it just not working?

14 MR. GOLDSTEIN: Well, there was a --

15 Q Attached to -- let me show you what's been
16 marked as Respondent's Exhibit 16.

17 This is your gas diversion field
18 investigator summary; is it not?

19 A Yes, it is.

20 Q And you've already testified as to what you
21 found --

22 A Yes.

1 Q -- when you went out to the premises.

2 Attached to Respondent's Exhibit 16 is
3 an inspection version. Can you describe, for the
4 record, what that shows?

5 A This is a report that we get back from our
6 meter shop. It gives basic information about the
7 meter that was tested, the meter number, the ERT
8 number.

9 Q And what does that inspection report indicate
10 to you?

11 A That this meter was tampered with.

12 There was a worn spindle gear in it
13 and dirt inside the meter.

14 Q And there was also a City of Chicago
15 inspection report of that particular meter; was there
16 not? And that's also attached as part of Respondent's
17 Exhibit 16; is that correct?

18 A Yes.

19 Q And what does that indicate?

20 A Well, the fact that the meter had dirt in it
21 indicates that the meter was down. To me it indicates
22 the meter was down. It indicates that there's some

1 type of meter tapering.

2 Q All right. That's 16.

3 Let's now turn to 9353 South Cottage.

4 You went out there to inspect the potential for theft
5 of gas service; did you not?

6 A Yes, we did.

7 Q Do you know when you made that inspection?

8 A Made that inspection on 9/14 of '04.

9 Q And when you went back and looked for your
10 field investigation summary report, were you able to
11 find a report for this?

12 A No, it wasn't in the file.

13 Q And what did you discover when you went back
14 and looked for your notes?

15 A I found some handwritten notes that I took at
16 the time of the investigation.

17 Q Let me show you what's been marked as
18 Respondent's Exhibit 17.

19 Are these the handwritten notes that
20 you made when you made your inspection --

21 A Yes.

22 Q -- at 9353 South Cottage?

1 A Yes, they are.

2 Q And could you describe what your handwritten
3 notes show?

4 A During our investigation we found -- we were
5 at 9353 South Cottage, and we found a meter
6 No. 1989449. It was on at the index of 4411.

7 It was in place at 9353 Cottage, and
8 according to our records, it belonged at 9326 South
9 Cottage, 1-Rear.

10 We had the meter removed, and we had
11 the drop secured.

12 Q Is there anything else that you would like to
13 add with respect to the inspection that you made at
14 the 9353 South Cottage?

15 A No, just that we found a stolen meter.

16 The meter that was assigned to 9326
17 South Cottage, 1-Rear, was found at 53 South Cottage.

18 JUDGE HILLIARD: Was it operating?

19 THE WITNESS: Yes, it was on.

20 MR. GOLDSTEIN: Could we have just one
21 moment, Judge?

22 JUDGE HILLIARD: Sure.

1 (Discussion off the record)

2 BY MR. GOLDSTEIN:

3 Q Let me show you a form called a customer
4 meter form that shows an address of 9353 South
5 Cottage.

6 Is this the customer meter form report
7 that you filled out with respect to what you found at
8 the 9353 South Cottage --

9 A Yes.

10 Q -- Grove address?

11 A Yes, it is.

12 Q And it shows that you removed the meter; is
13 that correct?

14 A Yes. And I also stenciled the meter number
15 from the meter onto this paper. That's the -- I
16 stenciled it at the top and in the box on the bottom
17 of the paper labeled "meter impression."

18 Q All right.

19 And that's been marked as Respondent's
20 Exhibit 18; is that right?

21 A Yes.

22 Q Finally, let's turn to the property located

1 at 9625 South Halsted in the basement.

2 Am I correct that you went out there
3 and made an investigation of alleged theft of gas
4 service?

5 A Yes, we did.

6 Q And when did you go out there?

7 A On 9/14 of '04.

8 Q And could you tell us what you found when you
9 went out there on that date?

10 A We found the basement meter, meter
11 No. 2607395. The meter was on at Index 0181, and the
12 cap seals were missing from the head of the meter, and
13 they were sitting on top of the ERT head.

14 Q And is there anything else that you found in
15 your investigation?

16 A Yes. The -- obviously, the cap seals were
17 violated. They were removed. And the set screws were
18 scratched, were all scratched up, and that would
19 indicate to me that someone tried to remove that head.

20 The seals are put there to cover the
21 screws. Once they're removed, we consider that meter
22 violated, and I did find evidence that the screws had

1 been attempted to have been removed. There were
2 scratches on the screws.

3 Q Is there anything else that you found when
4 you made that inspection on September 14th?

5 A No.

6 We had the shop man remove the meter
7 and secure the service.

8 Q Let me show you copies of --

9 JUDGE HILLIARD: Hang on a second.

10 Why did you remove the meter?

11 THE WITNESS: We consider that a violated
12 service, a tampered meter.

13 The -- like I said, the caps -- the
14 cap seals were removed, and there was evidence that
15 someone attempted, at least attempted, to get that
16 head off.

17 It's procedure that we remove that
18 meter and have it tested.

19 JUDGE HILLIARD: Okay.

20 BY MR. GOLDSTEIN:

21 Q And let me show you copies of photographs
22 that were taken at that location.

1 Did you take those photographs which
2 have been marked as Respondent's Exhibits Group
3 Exhibit 20A and B?

4 A Yes, I did.

5 Q And what does -- do they truly and accurately
6 reflect what is shown on those photographs?

7 A Yes, they do.

8 Q And describe for us what is shown on
9 Respondent's Exhibit 20A.

10 A 20A shows the actual cap seals. They're
11 little plastic caps that fit into the screw housings,
12 screw housing of the head of the meter.

13 20B shows the cap seals missing, and I
14 was attempting to get a photograph of the damage done
15 to the screw.

16 Maybe the original photos are better,
17 but that's what I was attempting to take a picture of.
18 But that is the head of the meter, and the cap screws
19 are missing -- I'm sorry. The cap seals are missing.

20 JUDGE HILLIARD: Where would the cap seals be
21 on the meter?

22 THE WITNESS: In the upper left-hand corner

1 and the lower right or the lower left.

2 JUDGE HILLIARD: Okay. Point to me on

3 yours --

4 THE WITNESS: Right in there.

5 JUDGE HILLIARD: That's where one would go --

6 THE WITNESS: Mm-hmm.

7 JUDGE HILLIARD: -- or both would go?

8 THE WITNESS: One would go in there. They

9 would cover the screws.

10 JUDGE HILLIARD: Okay.

11 THE WITNESS: All right?

12 JUDGE HILLIARD: So the witness is indicating

13 that there's two screws that appear on the face of

14 R-20B, and that the cap seals would normally be

15 covering the two screws that are visible in the

16 picture.

17 Is that correct?

18 THE WITNESS: Yes.

19 MR. GOLDSTEIN: All right?

20 JUDGE HILLIARD: All right.

21 BY MR. GOLDSTEIN:

22 Q Is there anything else you would like to add

1 with respect to that investigation?

2 A No.

3 Q With respect to the -- we've marked them
4 wrong.

5 Judge, we have better pictures of the
6 cap seals and the meter.

7 JUDGE HILLIARD: I can see them.

8 MR. GOLDSTEIN: I think it makes for a better
9 record, but it's up to you whether we should remark
10 the exhibit or not.

11 JUDGE HILLIARD: Well, that's up to you,
12 whether you want to do that.

13 MR. GOLDSTEIN: I think so.

14 JUDGE HILLIARD: Fine.

15 MR. GOLDSTEIN: I think so because --

16 JUDGE HILLIARD: You want to substitute
17 colored pictures for the ones you've got?

18 MR. GOLDSTEIN: Yes, if we could.

19 JUDGE HILLIARD: All right.

20 MR. GOLDSTEIN: We'll have the court reporter
21 mark them.

22 We have nothing else for this witness,

1 Judge.

2 JUDGE HILLIARD: Okay.

3 So we can -- as per our agreement, we

4 can continue this to another day so you can cross-

5 examine him.

6 MR. GOLDSTEIN: Do you want to try to arrive

7 at a date right now?

8 JUDGE HILLIARD: Unless you want to do it

9 today.

10 MR. JARRETT: Let's --

11 MR. GOLDSTEIN: Do you want to take a recess

12 and think about it?

13 MR. JARRETT: Yeah.

14 Let's take a recess, get a chance to

15 absorb some of this, and then make a decision.

16 MR. GOLDSTEIN: Okay.

17 JUDGE HILLIARD: I've got to be at a meeting

18 at 1:30. It might last a half an hour. But outside

19 of that, we can -- do you want to be back here in a

20 half hour or something? How long do you want to take?

21 45 minutes?

22 MR. JARRETT: Let's take an hour.

1 JUDGE HILLIARD: Okay.

2 Come back at -- what time is it now?

3 12:05. Let's come back here -- let's come back at

4 1:00 o'clock.

5 (Recess taken until 1:00

6 o'clock p.m.)

7 JUDGE HILLIARD: So what did you decide,

8 Mr. Jarrett? You want to cross him today?

9 MR. JARRETT: Yeah.

10 JUDGE HILLIARD: We're all ready then?

11 MR. GOLDSTEIN: I move for the admission of

12 Respondent's Exhibits 1 through 20, for the record,

13 with the understanding of whatever kind of agreement

14 we had with respect to those exhibits this morning.

15 JUDGE HILLIARD: Well, you haven't shown that

16 he owns the buildings yet.

17 MR. GOLDSTEIN: That's right, but I can still

18 move --

19 JUDGE HILLIARD: Well, provisional admission,

20 subject to your proving that --

21 MR. GOLDSTEIN: Okay. That's fine.

22 JUDGE HILLIARD: -- the complainant owns the

1 buildings that the evidence is offered in regard to.

2 MR. GOLDSTEIN: Okay.

3 MR. JARRETT: And owns the buildings and the
4 accounts that those meters belong to.

5 MR. GOLDSTEIN: All right.

6 JUDGE HILLIARD: Proceed.

7 CROSS-EXAMINATION

8 BY

9 MR. JARRETT:

10 Q Mr. Krol, it was your testimony that you had
11 done hundreds or even thousands of these types of
12 inspections?

13 A Yes.

14 Q Starting at 8615, what was the date of
15 inspection for that property?

16 A 9/14 of '04.

17 Q Now, on 9/14/04, how many other inspections
18 had you conducted on that day?

19 A I don't recall.

20 Q You don't recall?

21 Mr. Krol, are you familiar with this
22 picture?

1 A Yes.

2 Q Which property is --

3 JUDGE HILLIARD: Now, identify the picture

4 for the record. What picture is it?

5 MR. JARRETT: It's identified as R-3. That's

6 what it has on here.

7 THE WITNESS: Yes. I'm familiar with that

8 picture.

9 JUDGE HILLIARD: All right. Hang on a second

10 here. That's Exhibit R-3A -- I'm sorry. R-3. You're

11 right; never mind.

12 BY MR. JARRETT:

13 Q Now, to which property does Exhibit R-3 --

14 A My original pictures were all noted with

15 which property it was pertaining to and what floor.

16 Off the top of my head, I can't give

17 you the addresses, the dates. It was all marked.

18 Q Can you refer to Picture R-3.

19 A Okay. I -- yes.

20 Q There's a number on that meter?

21 A Yes, there's a number on it. I don't have

22 that photo.

1 JUDGE HILLIARD: Do you have a copy of the
2 photo?
3 BY MR. JARRETT:
4 Q I can give you mine.
5 A Okay. That's fine. I mean --
6 Q Can you read the number on that meter?
7 A That meter number is 2615902.
8 Q Now, on your report you mention that the
9 meter number is 2605418; is that correct?
10 MR. GOLDSTEIN: Is that for 8615 South?
11 MR. JARRETT: 8615, yes. This is what I have
12 for R-1.
13 JUDGE HILLIARD: I've got my notes. I've got
14 R-3 relates to 2202 East 93rd Street.
15 MR. GOLDSTEIN: Yeah, that's what I -- I
16 don't remember the one exhibit for --
17 JUDGE HILLIARD: The meter is 2615807.
18 MR. JARRETT: All right.
19 Now, if I didn't -- just -- I just
20 have the -- I can only recall the order of the number
21 of exhibits.
22 If we can just reference the exhibits

1 pertaining to 8615, the picture -- for some reason I
2 don't have that.

3 MR. GOLDSTEIN: Just a moment, Counsel.

4 JUDGE HILLIARD: There was no picture for
5 8615.

6 MS. MEDINA: There was just a ticket.

7 MR. JARRETT: Okay.

8 Q There was no picture for 8615?

9 A Correct.

10 MR. GOLDSTEIN: That's all we have.

11 MR. JARRETT: Okay.

12 Q Now, how many units are at 8615? Do you
13 recall how many --

14 A I don't recall, but I -- this one was for the
15 second floor, so at least two.

16 Q Now, you did not -- did you examine the meter
17 for the first floor?

18 A Yes, but it's not a part of my report.

19 Usually when we go in, we make an
20 inspection. We inspect all of the meters and piping.
21 We inspect from the heel of our service, which is
22 usually at the front of the building, all the way back

1 to the meters. That's what we usually do, and that's
2 what I do on a daily basis, yes.

3 Q So, most likely, you did inspect the first
4 floor?

5 JUDGE HILLIARD: First floor --

6 THE WITNESS: I would --

7 JUDGE HILLIARD: First floor meter?

8 MR. JARRETT: First floor meter, yes.

9 THE WITNESS: If it was there, I looked at
10 it. Let's leave it at that.

11 BY MR. JARRETT:

12 Q Okay.

13 Is it your testimony that there were
14 no steals on the second floor -- on the first floor?
15 Pardon me.

16 A If there was a problem with that meter, there
17 would have been a report reflecting the problem.

18 MR. JARRETT: And for the record, 8615, you
19 have that account number as 6 5000 3788 9028, and it's
20 Mr. Krol's testimony that he did not find any
21 anomalies --

22 THE WITNESS: I don't -- I don't ever recall

1 testifying to any account numbers.

2 MR. JARRETT: We have that. This is the
3 internal Peoples' account number for that.

4 JUDGE HILLIARD: Well, if you have a document
5 that shows that that meter or that location
6 corresponds to the account number --

7 MS. MEDINA: That's for the first floor.

8 JUDGE HILLIARD: -- and you want to ask him
9 about that, you have to show him that piece of paper.

10 MS. MEDINA: That's for the first floor.

11 MR. JARRETT: This is for the first floor.

12 MR. GOLDSTEIN: I'm going to object as to
13 relevancy, Judge.

14 This is not what he testified to. He
15 testified to the second floor.

16 JUDGE HILLIARD: Well, I think he's trying to
17 make a point here. Let him --

18 MR. JARRETT: Where I'm going, Judge, is to
19 exclude any steals from any other location or any
20 other floors at that location.

21 JUDGE HILLIARD: Well, I think he -- correct
22 me if I'm wrong, Mr. Goldstein, but I think you'd

1 stipulate that you're not claiming that there was any
2 other steals at that location at that time.

3 MR. GOLDSTEIN: Yes. But as the evidence
4 will show, when we have Ms. Anderson on the stand, we
5 are claiming that there was unauthorized usage of --
6 at the first floor and -- but, again, Mr. Krol did not
7 testify as to any steal with respect to the first
8 floor.

9 JUDGE HILLIARD: Your testimony is as to the
10 second floor.

11 THE WITNESS: Yes, sir.

12 MR. JARRETT: Okay.

13 Q And why was there not a photograph of 8615,
14 second floor?

15 A I didn't take a photograph at that time at
16 that property.

17 Q Was there any other circumstances as to why
18 you did not take a photo at 8615, why you did at --

19 A Not that I --

20 Q -- these other properties?

21 A -- recall, no.

22 Q And, Mr. Krol, what was the circumstances,

1 again, surrounding the investigation for this
2 particular case that prompted you to come out and
3 inspect this property?

4 A I don't have that. Let's see. Just a
5 minute.

6 JUDGE HILLIARD: Let the record indicate that
7 he's being handed two pages by -- I'm sorry, ma'am. I
8 don't know your name.

9 MS. MEDINA: Patricia Medina.

10 JUDGE HILLIARD: Patricia? What was the last
11 name?

12 MS. MEDINA: Medina, M-e-d-i-n-a.

13 JUDGE HILLIARD: Okay.

14 THE WITNESS: There was a request for --

15 JUDGE HILLIARD: Having reviewed the
16 documents that were handed to you by Ms. Medina, do
17 you now have a -- can you now state why you went out
18 there on that day?

19 THE WITNESS: Yes, sir.

20 There was a request for an
21 investigation at 8615 South Marquette Road made by a
22 service person -- can't make his name out, but I do

1 believe it was Reginald Haley of our service
2 department.

3 BY MR. JARRETT:

4 Q So are you aware of a file on the Wooten
5 property?

6 JUDGE HILLIARD: Which Wooten property?

7 MR. JARRETT: The Wooten properties -- I
8 can -- the Wooten properties at 2200 East 93rd, 2202
9 East 93rd, 8615 South Marquette, 8620 South Marquette,
10 9326 South Cottage Grove, 9349 South Cottage Grove,
11 9359 South Cottage Grove, and 9625 Cottage Grove.

12 Q Were you aware that there was a file on those
13 properties?

14 MR. GOLDSTEIN: Judge, I'm going to object.
15 I don't know what he means by "a file."

16 JUDGE HILLIARD: The witness can answer it if
17 he knows the answer.

18 THE WITNESS: I think I'll let my testimony
19 stand as to what I know about each of the individual
20 properties that I did testify to, that being 8615
21 Marquette, 2202 93rd -- do we need to go through all
22 of them?

1 BY MR. JARRETT:

2 Q No.

3 JUDGE HILLIARD: Sir, I'm the one who's
4 conducting the hearing here.

5 MR. JARRETT: Oh, I'm sorry. I thought he
6 was directing the question to me. I'm sorry, your
7 Honor. I apologize.

8 JUDGE HILLIARD: All right.

9 He asked you if you're aware of a
10 report concerning all of this gentleman's -- or the
11 properties that you've testified to here today.

12 Is the answer to that question "yes"
13 or "no"?

14 THE WITNESS: I'm aware of the properties
15 that I investigated, so that would be a "yes," if
16 those were the properties that he just mentioned, yes.

17 I was a part of the -- I'm a part of
18 that file. My investigation is a part of that file.

19 JUDGE HILLIARD: Okay.

20 THE WITNESS: If that -- I hope that answers
21 your question --

22 JUDGE HILLIARD: Fine.

1 THE WITNESS: -- or his question.

2 JUDGE HILLIARD: Do you have another

3 question, sir?

4 MR. JARRETT: Just one more.

5 Q Did you receive a reward for finding the

6 steal at this property?

7 A Absolutely not.

8 JUDGE HILLIARD: Which property are you

9 referring to?

10 MR. JARRETT: I'm sorry. 8615.

11 JUDGE HILLIARD: And the answer to that

12 question is?

13 THE WITNESS: Absolutely not.

14 MR. JARRETT: Okay.

15 Q And that's the end of my questioning for

16 8615.

17 Let's move on to 8620 South Marquette.

18 Okay? Mr. Krol, do you recall how many units were in

19 that property at 8620 South Marquette?

20 A No. I usually note it somewhere, but, no,

21 not offhand. I don't recall at this time.

22 Q And, again, referring to Exhibit 5A, 5B, and

1 5C.

2 A Okay.

3 Q Now, these are pictures that you state was
4 the configuration of the meter at that property.

5 A Yes.

6 Q Now, on some of your photographs you take a
7 close-up of the meters.

8 A Okay.

9 Q How would I know that this meter pertained to
10 that property?

11 A Because I note it on the original photograph.
12 I note it on the original photograph, exactly what is
13 in that photograph.

14 Q Did you note it on the photograph at the time
15 you took it or at the time it was developed?

16 How do you -- at what point did you
17 note that this picture was from 8620 South Marquette?

18 A When the photograph was printed.

19 Q When it was printed.

20 Now, is there anything in this picture
21 itself that told you that this meter and this pipe and
22 this other meter was 8620 South Marquette?

1 I imagine you take lots of pictures.

2 How would you -- is there anything in this picture --

3 A I keep a photo log, and it's usually part of
4 my notes.

5 Q Okay.

6 And that log -- again, is there
7 anything in this picture, after it's printed, that
8 would allow you to go to that log and determine that
9 this photograph was from 8620 South Marquette?

10 Because I can tell you that it looks a lot -- similar
11 to a lot of these other photographs.

12 MR. GOLDSTEIN: I'm going to object to that,
13 Judge.

14 JUDGE HILLIARD: What are you objecting to?

15 MR. GOLDSTEIN: That's not a question.

16 That's just a statement for the record
17 that he's sort of making. I don't know what it all
18 means.

19 JUDGE HILLIARD: Well, I think it's --
20 overruled.

21 His point is that he thinks this looks
22 like a lot of the other pictures.

1 MR. GOLDSTEIN: Well --

2 JUDGE HILLIARD: That's a reasonable comment.

3 THE WITNESS: Okay. I --

4 MR. GOLDSTEIN: I object to that, Judge. It

5 isn't --

6 MR. JARRETT: I mean, I can't --

7 MR. GOLDSTEIN: There are other pictures --

8 MR. JARRETT: I can't tell that this is --

9 some of these photos --

10 JUDGE HILLIARD: You have to ask questions.

11 MR. JARRETT: I'm sorry, your Honor.

12 Q Can you tell me how I would be able to

13 distinguish this photograph from Exhibit R-3?

14 JUDGE HILLIARD: All right. I got to -- how

15 do you distinguish between this photograph and other

16 photographs at that location?

17 THE WITNESS: Thank you. I take the

18 photograph. The photograph is numbered. Okay? On

19 the camera it's numbered.

20 For example, photograph No. 1 is the

21 west wall. I take -- I note that in my notes. And I

22 proceed to Picture 2, take the picture, photograph

1 No. 2, the same number that appears on the camera.
2 That's of the east wall or whatever I'm photographing.
3 I proceed like that throughout the
4 roll of film. Or now we went to digital photography.
5 I do it with the digital numbers on the screen itself,
6 and I match those two numbers when I print the
7 pictures out, and I transfer that information right
8 onto the photograph.

9 JUDGE HILLIARD: The print that comes out has
10 a number on the back of the print?

11 THE WITNESS: No.

12 JUDGE HILLIARD: Where does the number appear
13 on the print?

14 THE WITNESS: It appears in the view finder
15 on the camera.

16 JUDGE HILLIARD: But how do you match up the
17 view finder number with the print that you get back
18 from a lab?

19 THE WITNESS: Well, these, I believe, were
20 digital photographs, so we save the --

21 JUDGE HILLIARD: Save the original?

22 THE WITNESS: Yeah, mm-hmm.

1 JUDGE HILLIARD: Okay.

2 And by comparing the digital image to
3 the print, you're able to compare the print, and you
4 tie it into your log.

5 THE WITNESS: Correct.

6 BY MR. JARRETT:

7 Q Mr. Krol, referring to Exhibit 5B now, what I
8 see there is a cap there. And, again, Mr. Krol, can
9 you tell me what that depicts?

10 A That's the first floor front inlet nipple
11 secured with a plain cap.

12 Q So there's no gas going into this pipe.

13 A That's our pipe. That's -- there's gas in
14 that pipe.

15 Q I'm sorry.

16 Is it being used or going throughout
17 the building for appliance usage or -- is the gas
18 being used?

19 A No. It's capped off.

20 Q It's capped off. So it's --

21 A But it's not -- the whole point of me taking
22 that picture is that isn't the way we secure our pipe.

1 Q So it's not secured, but there's no --
2 A It's not secured the way we do.
3 Q The way you do it.
4 A The way we --
5 Q But it does not depict that gas is being
6 used --
7 A No.
8 Q -- or stolen.
9 A No.
10 Q All right. That's the end of my questioning
11 for 8620.
12 So let's move on to 2202 East 93rd.
13 Now, Mr. Krol, did you recall how many units are in
14 this building?
15 A I believe this is a two-story frame with
16 front and rear units -- oh. Okay. I'm sorry. I
17 wrote this one right in my report.
18 This is a frame two-story building
19 with front and rear apartments. Most of the
20 apartments appeared to be occupied at the time of our
21 inspection.
22 Q Now, the number of meters that you inspected,

1 did you find any anomalies or unusual configuration on
2 all of them --

3 A No.

4 Q -- or just some of them?

5 A Just some of them.

6 Q Okay.

7 Now, when you determined that there
8 was anomalies on -- I guess there were three meters
9 that are depicted in these photos, three different
10 units?

11 JUDGE HILLIARD: I think all of the --

12 MR. GOLDSTEIN: I don't have --

13 JUDGE HILLIARD: -- pictures relate to second
14 floor rear meter, according to my notes.

15 Is that correct?

16 THE WITNESS: Yes, one picture, and it
17 depicts the second floor rear meter.

18 JUDGE HILLIARD: All right.

19 BY MR. JARRETT:

20 Q Now, when you detected these conditions, did
21 you try to determine what unit led to these
22 conditions?

1 A It --

2 Q Did you knock on doors, or did you attempt to
3 go to a unit and determine what the condition of the
4 connection to the unit was?

5 A No. We're relying on our records and our
6 meter.

7 Where the house piping goes, it's --
8 the only way I could do that, other than, like you
9 say, knock on doors -- but you have to understand,
10 this particular meter was assigned to a particular
11 apartment in that building.

12 Now, we provide gas service to the
13 meter, and then it goes through the meter, it's
14 registered, and then it goes through house piping.

15 A lot of times this house piping is in
16 between walls. It goes through ceilings. It's very
17 difficult for me -- that's one way that I can trace
18 where this gas is going.

19 But in this particular case, I'm
20 relying on the meter that was assigned to the second
21 floor rear apartment.

22 Q Were you not concerned that perhaps

1 conditions in those units may be the same as what you
2 saw in the basement, that the piping to whatever
3 appliances there were in those units, a stove or a
4 water heater -- were you not concerned about that, or
5 were you more -- or were you concerned that you found
6 the steal, and you were gone?

7 A Well, as I recall, in this building the
8 meters were in the hallway.

9 When I find a condition that -- when I
10 find a condition like this, it's a dangerous
11 condition, and we have to make the situation safe.

12 We have to make the area safe. We
13 have to make our piping safe. This was a blatant
14 steal.

15 JUDGE HILLIARD: So his question is "do you
16 go to the apartments to see whether or not there are
17 dangerous conditions there?"

18 THE WITNESS: We secure our service.

19 JUDGE HILLIARD: That's your job.

20 THE WITNESS: That's how we make the building
21 safe. We secure our service.

22 JUDGE HILLIARD: Which means you turn the gas

1 off?

2 THE WITNESS: To this connection, of course.

3 JUDGE HILLIARD: Okay.

4 BY MR. JARRETT:

5 Q Now, you stated that there was -- the meters
6 were located where?

7 A If I remember correctly, they're in the
8 hallway of the --

9 Q So they were easily accessible to anyone who
10 had access to the hallway.

11 A Once we gained access to the building. We
12 had trouble gaining access to the hallways.

13 Q But the hallways were in a common area --

14 A Yes.

15 Q -- where any tenant egressing or ingressing
16 through that hallway would have visibility, contact --

17 A I imagine so.

18 Q -- access to --

19 A I mean, I don't know what kind of controls
20 Mr. Wooten has --

21 Q So it's not just the meters -- it's access to
22 the -- entry into the building itself that you had

1 problems with.

2 Once you were inside the building,

3 then --

4 A Well --

5 Q -- you could just walk through the hall. You

6 had visibility and access to the meters, just like

7 anyone else did?

8 A Yes. Yes.

9 Q So initially, you could not access the

10 building or the meters because you just needed to be

11 buzzed in or someone needed to let you in --

12 A Get in the --

13 Q -- with a key?

14 A -- front door, correct.

15 Q Okay. Okay.

16 Because I look at your notes, and you

17 say "the owner did not respond to the post, but the

18 halls were open for inspection today."

19 According to your notes, I think you

20 had some initial problems with entry --

21 A Correct.

22 Q -- to just the building but not the --

1 A Right.

2 Q -- meters.

3 A Right.

4 Q And when -- and I'm still on 2202 East 93rd.

5 When you used the word "steal," is

6 it -- should you use the word "steal" -- you used the

7 word previously in the previous property that I

8 questioned you about, 8620, where it was capped, and

9 you mentioned "steal."

10 At this property was gas flowing

11 through the pipes to a unit?

12 A Yes.

13 Q And this was not general heating, was it?

14 In other words, it wasn't heating for

15 the common building. This was gas to a unit that

16 would be used for stoves or a water heater to

17 individual units and not a general heating --

18 A Right.

19 Q -- account.

20 A Right. But it was unmetered gas.

21 Q Correct.

22 A That's why I'm using the term "steal."

1 Q That was --

2 A No one paid for this gas. No one -- this gas
3 wasn't metered.

4 This gas was put up in a dangerous --
5 this connection was put up. It was a dangerous
6 condition, and that's why I took the actions that I
7 took on that day.

8 Q Right.

9 And this gas was being used by
10 tenants, correct?

11 A It was supplying the second floor rear
12 apartment.

13 JUDGE HILLIARD: All right. I have to go to
14 a meeting, as I indicated earlier.

15 We're going to take a break until I
16 return. I -- it might take a few minutes. I can't
17 really tell how long.

18 MR. JARRETT: So we're in recess?

19 JUDGE HILLIARD: Recess until I come back.

20 (Recess taken)

21 JUDGE HILLIARD: Could you read back the last
22 question.

1 Indicate that it's approximately 1:55
2 p.m., and we're going back on the record.
3 (Record read)
4 MR. JARRETT: Was that question answered?
5 JUDGE HILLIARD: That was the answer. The
6 gas was supplying the second floor rear apartment.
7 MR. JARRETT: Okay.
8 THE WITNESS: Can I add more to that?
9 JUDGE HILLIARD: It's up to the counselor.
10 THE WITNESS: Okay.
11 BY MR. JARRETT:
12 Q No, I'm through with that. I think I'm
13 finished with 2202 for now.
14 Let's move on to 9326 South Cottage
15 Grove. Mr. Krol, do you recall how many units were in
16 this -- at this property?
17 A Not offhand, no.
18 Q How about the number of meters that were
19 there?
20 A No, not offhand. I don't recall.
21 Q Mr. Krol, are you familiar with the notorious
22 Rootin' Tootin' Wooten?

1 A No, I'm not.

2 Q I just noticed that there was a comment here
3 that "we are told by the tenants, are owned and
4 operated by the notorious Rootin' Tootin' Orlando
5 Wooten."

6 Is it your practice to write down such
7 comments by tenants?

8 A No, it's not.

9 JUDGE HILLIARD: Can you indicate which
10 document you're referring to?

11 MR. JARRETT: I'm sorry. We're looking at...

12 MR. GOLDSTEIN: Respondent's Exhibit 8,
13 Judge.

14 MR. JARRETT: 8.

15 JUDGE HILLIARD: Okay.

16 THE WITNESS: No. My partner at the time,
17 Mr. Walters, wrote this report.

18 And we had numerous conversations with
19 people on the street, people at the properties,
20 tenants at the properties, and I believe that that's a
21 reference that was made by one of the people we were
22 speaking to at the property.

1 BY MR. JARRETT:

2 Q Why would that person --

3 A I have no idea.

4 Q -- feel that --

5 A I have no idea.

6 Q But it did have some reference -- or some

7 relevance, don't you think, as to why --

8 A I wasn't the author.

9 Q -- he would put it into the report?

10 A I was not the author of the report.

11 Q Would you not think that it would have

12 relevance if it was put in the report?

13 A I'm assuming that that was a reference, made

14 by someone at the property, to Mr. Wooten.

15 I don't know; I'm not the author of

16 that. I'm not the author of this particular report.

17 Q But I'm asking you about reports in general.

18 Would you not put comments in a

19 report, particularly if these -- if it's such a

20 succinct report, unless it's relevant, generally?

21 A I'd rather not comment why Mr. Walters put it

22 in his report.

1 Q No. I'm asking you about reports in general,
2 not this particular report, but generally when you
3 write a report.

4 When you make comments in your
5 conditions found in the field, don't you typically
6 write comments that are relevant to the conditions
7 found there? Would you not, typically?

8 A Yes. And that's why this was probably,
9 again -- I think the sentence speaks for itself.

10 JUDGE HILLIARD: It says, "We are told by the
11 tenants, are owned and operated by notorious Rootin'
12 Tootin' Orlando Wooten."

13 BY MR. JARRETT:

14 Q All right.

15 And looking at reference 9A, I see
16 this photograph depicts, again, a pipe with a
17 nipple --

18 A Yes.

19 Q -- on it?

20 And it does not appear as if there is
21 any gas being consumed from these pipes. Is that a
22 correct statement, that there's no gas --

1 A There is --

2 Q -- being consumed?

3 A I think we're splitting hairs here.

4 There's gas in the pipe. And the

5 reason this photograph is taken is because that's not

6 the way we leave our piping.

7 Q Yeah. But the question is, there is no gas

8 being consumed. This pictures depicts no gas being

9 consumed. They're in the pipes, and they're staying

10 in the pipes.

11 A That's true.

12 Q So gas is technically not being used, not

13 being stolen.

14 A Yes.

15 Q It's just showing --

16 A Yes, sir.

17 Q -- that this is atypical, not a configuration

18 of a setup that any of your people would do.

19 A That's correct.

20 Q Okay.

21 Sometimes we do though -- they do do

22 untypical things, such as this comment, the Rootin'

1 Tootin' Orlando Wooten. That's something atypical
2 that's done on occasion.

3 JUDGE HILLIARD: I'll sustain your objection
4 to that question, Mr. Goldstein.

5 MR. GOLDSTEIN: Thank you, Judge. You're
6 reading my mind.

7 BY MR. JARRETT:

8 Q Now, I'm looking at reference 9B.

9 A Yes.

10 Q And again, just based on your notes here, you
11 say that there's a meter bar on the floor. Is that
12 what that depicts?

13 A Not in 9B, no.

14 Q 9B? I just have 9A and 9B.

15 MR. GOLDSTEIN: You don't have 9C?

16 THE WITNESS: Here. That picture.

17 MS. MEDINA: We gave him a 9C.

18 MR. JARRETT: This is 9B. That's what I'm
19 referring to, 9B.

20 MR. GOLDSTEIN: Okay.

21 MR. JARRETT: Is there a 9C?

22 MR. GOLDSTEIN: Yes, there is.

1 MR. JARRETT: I just want to take a moment to
2 look at --

3 THE WITNESS: 9C is a picture of a furnace.

4 MR. JARRETT: I just wanted to take a moment
5 to see what it looked like just to make sure...

6 MR. GOLDSTEIN: Okay.

7 MR. JARRETT: Just give me a second here to
8 see if I have 9C.

9 MR. GOLDSTEIN: Counsel, to expedite the
10 process, I will gladly show you --

11 JUDGE HILLIARD: Want to use the originals?

12 MR. JARRETT: Yes. Let me just -- that's a
13 better picture.

14 MR. GOLDSTEIN: This is just the furnace.

15 MR. JARRETT: All right.

16 Q Well, let me ask you. What does 9B depict?
17 Can you reiterate --

18 A It's a picture of how we left our service,
19 our pipes.

20 Q Now, does 9B depict an adverse or dangerous
21 condition?

22 A No. That's -- like I said, that's how we

1 left the service after we --

2 Q Corrected it?

3 A -- did our work, yes.

4 Q Do you have a before picture of that?

5 A That would be 9A.

6 Q So what you did was secure -- there was no
7 steals.

8 You just simply secured the
9 potentially dangerous situation at 9326 South Cottage
10 Grove. That's what these pictures depict?

11 A It -- once again, we don't leave our pipes in
12 the conditions that we found them.

13 Q Correct.

14 A Okay? That, in itself, is a dangerous
15 condition, the way we found the pipe, a nipple with a
16 plain cap on it.

17 Anyone could come in there and unscrew
18 that cap, and you'll have not only unmetered gas but
19 gas flowing.

20 Yes, Picture A depicts a dangerous
21 unmetered gas situation, and Picture B depicts how we
22 corrected that situation.

1 JUDGE HILLIARD: But his question was whether
2 or not this depicts gas being actively stolen in the
3 picture, and your answer is "no."

4 THE WITNESS: No.

5 JUDGE HILLIARD: Okay. Go --

6 THE WITNESS: But --

7 JUDGE HILLIARD: -- ahead sir.

8 I got your point.

9 THE WITNESS: Okay.

10 BY MR. JARRETT:

11 Q Now, just one other question. There were no
12 other potentially dangerous or unsafe conditions that
13 you detected there that you left unsecured?

14 In other words, when you left there,
15 out of everything that you've determined to be
16 dangerous or unsafe, you secured --

17 A Yes.

18 Q -- is that correct?

19 A At that time, at the time of our inspection.

20 MR. GOLDSTEIN: Are you talking about just
21 the basement condition, Counsel? What --

22 MR. JARRETT: I'm talking about the -- with

1 respect to the meters he went there to inspect.

2 MR. GOLDSTEIN: Keep in mind, Counsel, that

3 there's also --

4 MR. JARRETT: I'm not talking about --

5 MR. GOLDSTEIN: -- the issue of --

6 MR. JARRETT: -- electric or --

7 MR. GOLDSTEIN: I understand that.

8 MR. JARRETT: -- water or --

9 MR. GOLDSTEIN: Let me finish, if I may.

10 MR. JARRETT: Okay.

11 MR. GOLDSTEIN: We also had testimony with

12 respect to the first floor rear, and we also had

13 testimony with respect to the second floor front, the

14 steal conditions that Mr. Krol testified to, and I

15 want to make sure that what you're referring to is

16 strictly the basement, because your reference to

17 Photos 9A, B, and C are basement photos.

18 BY MR. JARRETT:

19 Q Was there anywhere on the property that you

20 inspected on any of the floors, what counsel just

21 itemized, were any unsafe conditions left for those

22 locations at this property, 9326 --

1 JUDGE HILLIARD: All right.

2 BY MR. JARRETT:

3 Q -- as far as you can determine?

4 JUDGE HILLIARD: He indicated that he was
5 there at this property on 9/22/04, 10/25/04, 9/21/04,
6 so if -- why don't you ask him a specific date.

7 MR. JARRETT: Okay. Let me just rephrase the
8 question.

9 Q At each of the dates that you visited the
10 property, you did not leave the premises unsecured,
11 correct?

12 A Correct.

13 Q Okay. Probably a very simple question.
14 Maybe I just asked it a little bit too -- a little bit
15 more complicated than I should have. That's it, for
16 now, for 9326 South Cottage Grove.

17 Let's move on to 9349 South Cottage
18 Grove. Mr. Krol, in your conditions found, you state
19 that the above property is a two-story --

20 JUDGE HILLIARD: Referring to Exhibit 16?

21 MR. JARRETT: I'm sorry. Referring to
22 Exhibit 16.

1 Q The above property is a two-story double-
2 address occupied building owned by Orlando Franco
3 Wooten.

4 Were you told that, or did you know
5 that when you visited the property? At which point
6 did you find out that this -- that possibly this --
7 how did you make that determination, that this
8 building was owned by Orlando Wooten?

9 A Once again, this report was written by my
10 then partner, Albert Walters.

11 I don't mean to -- I'm not trying to
12 avoid the question, but -- although we worked
13 together, he authored this report. He may have done
14 some -- I don't know.

15 JUDGE HILLIARD: You don't know the answer to
16 the question.

17 THE WITNESS: I don't know.

18 JUDGE HILLIARD: All right.

19 THE WITNESS: I don't know.

20 BY MR. JARRETT:

21 Q Mr. Krol, do you remember what prompted this
22 investigation? Why did you go out and make this

1 investigation?

2 MR. GOLDSTEIN: Judge, for the record, this
3 was not part of our exhibits, but it is in the -- that
4 information is available to Mr. Krol, and I'm handing
5 him a document that indicates that.

6 JUDGE HILLIARD: Okay.

7 THE WITNESS: It was -- we went out there on
8 a request for an investigation.

9 We have a certain list, and we got a
10 readout that a meter wasn't -- a DNR meter. A meter
11 wasn't registering at that premise, so the list was
12 generated. We made the inspection.

13 BY MR. JARRETT:

14 Q Now, again, can you describe any of the --
15 sorry. I don't have any pictures for this one.

16 Are there any pictures for this?

17 MS. MEDINA: No.

18 JUDGE HILLIARD: No? Are there?

19 MS. MEDINA: No.

20 THE WITNESS: No.

21 BY MR. JARRETT:

22 Q And can you describe the conditions that you

1 found there?

2 A I remember it was a double-address building.

3 I don't know -- what specific
4 conditions are you referring to?

5 Q Why did you -- why was a report written?

6 A Because we found a meter that wasn't
7 registering there.

8 Q Okay.

9 And did -- was that meter secured?
10 Was it safe? Did you leave the conditions there --

11 A No, we removed the meter.

12 Q Thereby making the conditions safe.

13 A Correct, yes.

14 Q I would imagine that's why -- and I should
15 probably ask the questions.

16 Why did you remove the meter?

17 A Well, the meter is the only way we can gauge
18 how much gas is being used, so if that meter's not
19 functioning, we remove it, test it, and make sure that
20 it hasn't been tampered with.

21 Q So did you provide provisions -- did you
22 install another meter there?

1 A No, I don't believe we did.

2 Q Did you notify the people there that you were
3 removing the meter?

4 A No.

5 Q Was there gas flowing from the meter? Was
6 there gas being used from the meter?

7 A At the time the gas was off to the building,
8 no.

9 Q So there was gas -- do you know why that --
10 so if the gas was off at the building, why would you
11 go there to investigate one meter?

12 A Because we weren't --

13 JUDGE HILLIARD: Your report says the gas
14 service was found back on on 9/14/04, the second page
15 of the report.

16 MR. GOLDSTEIN: Is there a pending question?

17 BY MR. JARRETT:

18 Q Well, again, the gas appears to be off. It
19 was off. And you went there, and you removed the
20 meter.

21 Why did you remove the meter? Again,
22 I'm sorry if I -- I'm just unclear as to why --

1 A On 9/3 we had the gas shut off. On 9/14 we
2 found the gas back on. We got in and made our
3 inspection.

4 We -- off of the search list, we
5 weren't getting meters -- when this gas was on to the
6 building, we weren't getting meters. This meter
7 wasn't registering.

8 Q Okay.

9 Now, were there other units in that
10 building --

11 A Yes, I --

12 Q -- other meters?

13 A Yes, I believe so.

14 Q And were those fine?

15 A (No response.)

16 Q Were those okay?

17 A I believe so.

18 I mean, I wasn't there for -- you
19 know, I made my report on this meter.

20 Q Now, did you -- while you were there, did you
21 notice any unsafe conditions or dangerous conditions
22 there?

1 A Pertaining to the piping in general?

2 Q Yes.

3 A No.

4 Q All right. That's it for 9326.

5 MS. MEDINA: 49.

6 JUDGE HILLIARD: 49.

7 MR. JARRETT: I'm sorry. 9349. There's so

8 many in there.

9 All right. Just give me a second.

10 I'm moving on to some of the properties with the

11 handwritten notes and the -- all right. 9326 -- did

12 we do 9326?

13 JUDGE HILLIARD: Yes.

14 MR. JARRETT: All right.

15 Q 9353 South Cottage Grove. All right.

16 Mr. Krol, it's your testimony that you

17 noticed that there was a meter found at 9353 that your

18 records showed was from 9326; is that correct?

19 A Yes.

20 Q Now, was there gas being used through that

21 meter?

22 A Yes.

1 Q So -- and the meter was operational in terms
2 of registering cubic yards of gas?

3 A Yes.

4 Q Why is it significant, in terms of measuring
5 gas, that one meter from one location is used at
6 another location? Let me rephrase the question.

7 A Okay.

8 Q Does the meter from 9326 being at 9353 impact
9 any amounts being gauged at that location in terms of
10 the amount of gas being used?

11 A Sure.

12 Q Can you make that determination?

13 A Sure, because if the -- if 9353 doesn't have
14 a meter, they take it from 26 and put it on 53.

15 Q But it -- but does it still register service?

16 Does it measure the amounts of gas
17 being used between two points of time?

18 A If it's still operational when it's put up.

19 The purpose of assigning a meter to a
20 certain location is that it stays at that location and
21 that we can monitor it through meter readings, ERT
22 readings, and periodic investigations.

1 Q But you can determine from -- assuming that
2 it's a functioning meter, you can determine the amount
3 of gas being used between two points of --

4 A I can't make that assumption once the meter
5 is taken off the assigned bar.

6 Q Now, you said that according to your records,
7 that the -- and you put "stolen" here. Why do you
8 believe it was stolen?

9 Could it have been a mixup in your
10 records?

11 A No.

12 Q Is that "no"? Why could there not be a mixup
13 in your records?

14 A Because our records clearly show that it
15 belonged where it wasn't. It belonged at 9326,
16 1-Rear, and it was --

17 Q And what was the meter number?

18 A Meter No. 1989449. The index was 4411.

19 Q Okay.

20 A And it was on at the time it was removed at
21 the --

22 Q If I don't find that in a second, we'll just

1 move on and perhaps get back to that.

2 JUDGE HILLIARD: What are you looking for?

3 MR. JARRETT: I just want to make sure this

4 meter number is what appears on the bill for that

5 location.

6 JUDGE HILLIARD: For 9326?

7 MR. JARRETT: For 9326 --

8 MR. GOLDSTEIN: We don't have the --

9 MR. JARRETT: -- yes.

10 JUDGE HILLIARD: It's Exhibit R-8.

11 Well, I guess there's probably more

12 than one meter at that location.

13 MR. JARRETT: Well, I think, and I'll just

14 say this, that we have meter numbers on the bill that

15 are different from the meter numbers here for both

16 9326 and 9353.

17 JUDGE HILLIARD: Well, you can introduce that

18 evidence in your case in chief. Okay?

19 MR. JARRETT: Sure.

20 JUDGE HILLIARD: All right?

21 MR. JARRETT: But I'll move on.

22 Q 9625 South Halsted. Mr. Krol, do you recall

1 how many meters were at 9326 --

2 MR. WOOTEN: 9625.

3 MR. JARRETT: I'm sorry.

4 Q 9625?

5 A I recall it as three, maybe -- three
6 apartments, let me answer the question that way,
7 first-floor apartment, second-floor apartment, and a
8 basement apartment.

9 Q And, again, at this location, did any unsafe
10 or dangerous conditions -- did you secure this before
11 you left the premises when you finished conducting
12 your investigation?

13 A Yes. We removed the tampered meter.

14 Q And so that addressed any unsafe or dangerous
15 conditions there, by removing the meter.

16 A Yes, sir.

17 Q Let me just ask you follow-up questions,
18 Mr. Krol, and then I'll conclude my cross-examination
19 for you.

20 I think it was your testimony that at
21 each time you conducted an investigation and you found
22 unsafe or dangerous conditions at each one of these

1 properties, you secured them so there, in your
2 opinion, was no longer any unsafe or dangerous --

3 A Yes. We left --

4 Q -- conditions; is that correct?

5 A We left the premises safe.

6 Q Okay. You left the premises safe.

7 Was there any reason at any of these
8 properties to sever the main line between any of
9 the -- between the building and the main, rendering
10 any of the other units inoperable for safe or
11 dangerous purposes?

12 A I believe there was.

13 Q After your inspection?

14 A Yes.

15 Q And what were those?

16 A As I recall, we were leaving gas off to the
17 outside of a lot of these buildings, and the gas was
18 being turned back on; so as a result of buffalo boxes
19 being turned back on after we leave them off, we --
20 our next step is to shut the main off.

21 Q Now, there were certain boxes that this was
22 done on, correct?

1 A I believe so, yes.

2 Q So by severing the line, you cut off other
3 units at other property that were not being tampered
4 with.

5 Churches?

6 A Correct, but if --

7 Q Beauty salons?

8 A -- there's dangerous --

9 Q People with babies?

10 A If there's a dangerous --

11 Q But you just --

12 JUDGE HILLIARD: Excuse me. You can't talk
13 at the same time.

14 If he's asking a question, you let him
15 finish.

16 THE WITNESS: Okay. I'm sorry.

17 JUDGE HILLIARD: If he's talking, you let him
18 finish.

19 BY MR. JARRETT:

20 Q You just testified that when you left the
21 property, you secured it and made it safe and
22 alleviated any dangerous conditions.

1 JUDGE HILLIARD: And then he said he would go
2 back, and the gas would be turned back on.
3 BY MR. JARRETT:
4 Q Is there any documentation for these return
5 visits, or was it just a thought?
6 MR. GOLDSTEIN: I'm going to object to that,
7 Judge.
8 Mr. Krol has testified as to his
9 return visits --
10 JUDGE HILLIARD: Sustained.
11 BY MR. JARRETT:
12 Q And what did you --
13 MR. GOLDSTEIN: -- at the properties.
14 BY MR. JARRETT:
15 Q And did you return to each one of these
16 properties?
17 Was it necessary to cut off every
18 property that you determined to be a Wooten property?
19 How did you systematically go back and cut off all of
20 these properties?
21 JUDGE HILLIARD: I don't think he testified
22 he cut off all the properties.

1 MR. JARRETT: Well, in fact, they were.

2 JUDGE HILLIARD: Well, he didn't testify to

3 that, sir.

4 BY MR. JARRETT:

5 Q Were you aware --

6 JUDGE HILLIARD: Why don't you ask him that

7 question first.

8 MR. JARRETT: Yes, your Honor. I'm about to

9 ask him.

10 Q Were you aware that all of these properties

11 were cut off from the main to the building?

12 A I would -- I know of a few of them, yes, that

13 were cut off.

14 Q Which one were you aware --

15 A I know for sure the property on Cottage, the

16 90 -- the 26 property was cut off at the main.

17 Q Okay.

18 A 90 -- what is that address?

19 JUDGE HILLIARD: 9326 Cottage.

20 THE WITNESS: Yes, sir.

21 BY MR. JARRETT:

22 Q But as far as you were aware, based on your

1 inspection, you left them in safe conditions.

2 A Once again, yes.

3 Q Just one last question, Mr. Krol.

4 Did you participate in any severance
5 of the main to a premises at any one of these
6 properties? Were you involved in this at all?

7 A No.

8 Q Okay.

9 A I did not do the work. I was not a part of
10 doing that work.

11 MR. JARRETT: Okay. I think I'm finished.

12 JUDGE HILLIARD: Any redirect?

13 MR. GOLDSTEIN: Yes. I have just a few
14 questions, if I may.

15 REDIRECT EXAMINATION

16 BY

17 MR. GOLDSTEIN:

18 Q Looking back at the 2202 East 93rd Street
19 property, Mr. Krol, you took certain pictures at that
20 property?

21 JUDGE HILLIARD: 2202 East 93rd?

22 MR. GOLDSTEIN: Yes.

1 JUDGE HILLIARD: Exhibit 3.

2 BY MR. GOLDSTEIN:

3 Q Now, as you review Respondent's Exhibit 3,
4 which is a photograph of what you contended to be a
5 picture of the theft of gas service at that property,
6 could you tell from that picture who could have
7 benefited from that rearrangement of the piping?

8 A No, not -- no.

9 Q And is it possible that the entire building
10 could have benefited from the rearrangement of the
11 piping as shown on Respondent's Exhibit 3?

12 A Yes, it is possible.

13 Q Now, in several of your investigation
14 summaries -- and let's just take one. For example,
15 that 9349 South Cottage.

16 There's a notation that on 9/3 the
17 B-box was off. Could you explain what that really
18 means?

19 A It's the shut-off outside of the building.
20 It's a valve that allows gas into the building. When
21 it's shut off, there is no gas into the building.

22 JUDGE HILLIARD: Is that the -- is the B-box

1 the same as the buffalo box?

2 THE WITNESS: Yeah, exactly.

3 MR. GOLDSTEIN: Thank you. I have nothing
4 else.

5 JUDGE HILLIARD: Do you have any recross?

6 MR. JARRETT: No, I don't.

7 MR. GOLDSTEIN: I, again, move for the
8 admission of Respondent's Exhibits 1 through 20.

9 JUDGE HILLIARD: The exhibits -- do you have
10 objections?

11 MR. JARRETT: I'm sorry. Can you repeat --

12 JUDGE HILLIARD: He wants to admit the
13 exhibits.

14 MR. JARRETT: No objection.

15 JUDGE HILLIARD: All right.

16 Until you establish ownership of the
17 buildings some way or another, I'm not going to admit
18 the exhibits. I'm going to provisionally, for
19 purposes of the hearing.

20 MR. GOLDSTEIN: So I may have some
21 clarification, Judge, I assume your ruling is that the
22 exhibits are admitted for the purposes of Mr. Krol's

1 testimony; and until we establish either that
2 Mr. Wooten is the account holder or the owner of the
3 property, then it would be admitted for a different
4 purpose? I'm a little unclear.

5 JUDGE HILLIARD: I'm not going to let them in
6 for the purposes of the record until you establish
7 ownership of the properties.

8 You have moved them into evidence
9 twice, and I keep telling you that they're not in for
10 all purposes or for any purpose until you establish
11 ownership, but it -- subject to your establishing
12 ownership, they're admitted into the record.

13 MR. GOLDSTEIN: We have no other witness
14 today.

15 JUDGE HILLIARD: Okay.

16 Do you want to call a witness?

17 MR. JARRETT: I call Orlando Wooten.

18 JUDGE HILLIARD: Mr. Wooten, would you raise
19 your right hand and be sworn.

20 And are these other gentlemen going to
21 be witnesses today?

22 MR. JARRETT: Yes, your Honor.

1 JUDGE HILLIARD: Raise your right hand,
2 gentlemen.

3 (Three witnesses sworn)

4 ORLANDO FRANCO WOOTEN,
5 called as a witness herein, having been first duly
6 sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY

9 MR. JARRETT:

10 Q Mr. Wooten, are you familiar with these
11 properties that we just discussed?

12 And for the record, I can reel them
13 off. 2200 East 93rd, 8615 South Marquette, 8620 South
14 Marquette, 9326 South Cottage Grove, 9326 South
15 Cottage Grove, 9349 South Cottage Grove, 9353 South
16 Cottage Grove, 9605 South Halsted, and 7847 South
17 Coles.

18 JUDGE HILLIARD: There hasn't been any
19 testimony about 7847 --

20 MR. JARRETT: Strike South Coles.

21 That's in the complaint, but we
22 haven't had any testimony today with respect to that

1 address.

2 JUDGE HILLIARD: Go ahead. He can testify
3 about that property too, if he wants to.

4 MR. JARRETT: Yes, we will testify about that
5 property as well.

6 JUDGE HILLIARD: Mr. Krol, you don't have to
7 stick around, unless you want to.

8 MR. KROL: I'll stick around for a while.

9 JUDGE HILLIARD: Okay.

10 MR. GOLDSTEIN: Thank you, Judge.

11 BY MR. JARRETT:

12 Q Now, Mr. Wooten, do you have any
13 responsibilities with the maintenance and upkeep of
14 the properties that I just mentioned?

15 A Yes.

16 JUDGE HILLIARD: You're going to have to
17 speak up so this lady can hear what you have to say.

18 THE WITNESS: Okay.

19 JUDGE HILLIARD: It would probably help if
20 you look at me and try to direct your comments this
21 way.

22 THE WITNESS: Sure. No problem.

1 BY MR. JARRETT:

2 Q So does that mean that you're familiar with
3 any of the locations where the meters are located?

4 A Yes.

5 Q And you're familiar with tenants that stay at
6 those locations?

7 A Yes.

8 Q And now, Mr. Wooten, I'm going to ask you
9 about some of the tenants that stayed at some of these
10 properties.

11 Before I do that, I'm going to ask
12 you, other than 9625 South Halsted, are you a tenant
13 in any of these properties?

14 A No, I'm not.

15 Q Okay.

16 Do you use any gas accounts from any
17 of these properties for any personal purposes, gas for
18 cooking, for water heating, for your own individual
19 use?

20 A No.

21 Q So is it your testimony, Mr. Wooten, that the
22 only tie that you have to these buildings is from a

1 management perspective?

2 A Yes.

3 Q You run the buildings?

4 A That's right, exactly, yes.

5 Q 2200, are there -- 2200 East 93rd Street,
6 there are multiple tenants in that building?

7 A There's --

8 MR. GOLDSTEIN: I'm going to object to this
9 line of questioning, Judge.

10 We were here this morning and
11 afternoon to discuss potential steals and --

12 MR. JARRETT: Well, I'm --

13 MR. GOLDSTEIN: -- unless counsel --

14 MR. JARRETT: I'll tell you what I'm
15 talking --

16 JUDGE HILLIARD: Let him finish what he has
17 to say. Okay?

18 MR. GOLDSTEIN: Unless counsel can tie in
19 this line that seems to be heading in a different
20 direction than that -- you know, you directed me to
21 prove ownership or the accounts or the fact that
22 Mr. Wooten is the account holder on various

1 properties, and I thought we set that off to a
2 different date.

3 JUDGE HILLIARD: Well, I think the -- what we
4 set off to a different date was your witness who's
5 going to going to testify to some other area of
6 your --

7 MR. GOLDSTEIN: But also --

8 JUDGE HILLIARD: -- defense of the case.

9 MR. GOLDSTEIN: But also to the fact of
10 ownership and Mr. Wooten being the account holder for
11 various accounts that are part of the complaint.

12 JUDGE HILLIARD: We set this matter for
13 hearing today.

14 You told me yesterday that you have a
15 witness who can't be here today. That part of the
16 case is going to be put off to another day.

17 Mr. Wooten is putting on his case in
18 chief now.

19 MR. GOLDSTEIN: Right.

20 JUDGE HILLIARD: You're entitled to put in
21 rebuttal evidence, should you so desire. You're
22 entitled to call Mr. Wooten as a rebuttal witness or

1 in some other way to prove that aspect of your case.

2 MR. GOLDSTEIN: Right. Very good.

3 BY MR. JARRETT:

4 Q And, Mr. Wooten, you are -- just a question
5 just to -- before you answer the previous question
6 that I asked, you're familiar with many of these
7 photographs or the property, of these alleged
8 photographs that has been testified by Mr. Krol?

9 You're familiar with those areas and
10 where they would be?

11 A Some are familiar and some are not.

12 Q But you know the location of the meters.

13 You would know whether or not, if you
14 saw a photograph, whether a meter would most likely be
15 at a particular location.

16 A Yes.

17 Q You would also be aware of multiple units
18 within a location, whether there was multiple units
19 within a location or whether or not there was one
20 unit.

21 You are aware of how many units are at
22 each location; is that correct?

1 A Yes.

2 Q And you would be aware of whether or not
3 there were tenants there; is that correct?

4 A Yes.

5 Q And at 2200 East 93rd, are there multiple
6 tenants in that building?

7 A Yes.

8 Q Do you reside there?

9 A No.

10 Q Let's look at the photograph of 2200 East
11 93rd. And I'll get the exhibit number. I believe
12 that's Exhibit 2.

13 MR. GOLDSTEIN: (Indicating.)

14 MR. JARRETT: Exhibit 3.

15 Q And, Mr. Wooten, are you familiar with this
16 photograph of this particular meter?

17 A Yes, I see it.

18 Q Is that a meter from 2200?

19 A Yes.

20 Q Okay.

21 Mr. Wooten, it's been Mr. Krol's
22 testimony that -- and I'm looking at Exhibits 5A, 5B,

1 and 5C. Does this look familiar to you?

2 A Yes.

3 The gas company had been there
4 numerous times; and when the gas company -- when they
5 left, this is what they left.

6 Q Were you aware of any steals from this meter?

7 Were you aware that a tenant -- or
8 that any illegal gas was being tapped or of any unsafe
9 conditions depicted by this photo?

10 JUDGE HILLIARD: What photo are we talking
11 about, sir?

12 MR. JARRETT: I'm sorry. We're still on
13 Photos 5A, 5B, and 5C.

14 JUDGE HILLIARD: All right.

15 5C depicts a different condition than
16 5A. Are you talking about 5A?

17 MR. JARRETT: Let's talk about 5 -- let's
18 talk about 5A. Let's go in succession.

19 MR. GOLDSTEIN: Well, for the record, this is
20 8620 South Marquette, first floor; is that right?

21 THE WITNESS: Yeah.

22 MR. JARRETT: That's correct.

1 Q Were you aware of this condition, Mr. Wooten?
2 JUDGE HILLIARD: The condition depicted in
3 5A?
4 MR. JARRETT: Yes, sir, the condition
5 depicted in 5A.
6 Q Do you recall --
7 A Can I see -- this picture does not look like
8 8620 Marquette. I don't even know...
9 Q You can't be sure?
10 A No. I'm not sure that that's --
11 Q But you are familiar with where this meter
12 would be, but you just simply cannot tell at this
13 time --
14 A Whether that's 8620 --
15 Q -- whether you can place this picture --
16 JUDGE HILLIARD: You cannot identify the 5A,
17 5B, and 5C as being a meter at 8620 South Marquette.
18 THE WITNESS: Exactly.
19 JUDGE HILLIARD: Okay.
20 BY MR. JARRETT:
21 Q And I'll ask you another question from
22 another picture.

1 Exhibit -- I guess this is No. 4, 9326
2 South Cottage Grove.

3 JUDGE HILLIARD: It's not Exhibit 4.

4 THE WITNESS: It's a picture...

5 JUDGE HILLIARD: 9A, 9B, 9C.

6 MR. JARRETT: 9624 -- I have -- this is what
7 it looks like. What is that?

8 MR. GOLDSTEIN: That's 9326 South Cottage.
9 That's --

10 JUDGE HILLIARD: It's 9C.

11 MR. KROL: It's right on top. The
12 handwriting on top is what the picture is.

13 MR. GOLDSTEIN: That's 9.

14 JUDGE HILLIARD: It's this one, right?

15 MR. JARRETT: Yeah.

16 JUDGE HILLIARD: You got it upside down, I
17 think. It looks like this. This looks like it's
18 right side up to me now.

19 Okay. That's Exhibit 9C.

20 MR. JARRETT: Okay. Exhibit 9C.

21 JUDGE HILLIARD: Do you recognize Exhibit 9C
22 as being a heating unit at 9326 South Cottage?

1 THE WITNESS: This -- this furnace here looks
2 like at another property.

3 JUDGE HILLIARD: So you don't recognize it as
4 being a heating unit at that address?

5 THE WITNESS: No.

6 JUDGE HILLIARD: Okay.

7 THE WITNESS: This looks like at another
8 property.

9 JUDGE HILLIARD: You're talking about
10 Exhibit 9C?

11 THE WITNESS: Yes.

12 BY MR. JARRETT:

13 Q And which property does this look like it
14 belongs to?

15 A 9349 basement.

16 MR. JARRETT: Mr. Wooten, that's all the
17 questions I have for you.

18 MR. GOLDSTEIN: I have a few questions of --

19 JUDGE HILLIARD: Mr. Wooten, now this is your
20 case in chief.

21 You've got a complaint here that
22 they've unfairly cut off your gas service, that

1 they're billing you for gas --

2 MR. JARRETT: Okay. I thought now we were
3 just testifying for the steals.

4 We can put on our general case right
5 now and have Mr. Wooten testify about billing and
6 testify about contemporaneous events that -- you know,
7 I thought today we were confining all our testimony
8 and all of the presentation to just the steals element
9 and not the --

10 JUDGE HILLIARD: All right.

11 This is your direct testimony in
12 regard to the steals.

13 MR. JARRETT: With regard to --

14 JUDGE HILLIARD: That's what you're putting
15 in today.

16 MR. JARRETT: With regard to the steals only.

17 JUDGE HILLIARD: Okay.

18 MR. JARRETT: I would expect Mr. Wooten to be
19 a witness to some of the other accounts that did not
20 involve steals and also --

21 JUDGE HILLIARD: So you -- when you bring in
22 your other witness, do you intend to call that witness

1 first and then let him testify about that too? Or are
2 we going to proceed in the normal manner and have the
3 complaint --

4 MR. GOLDSTEIN: We'll proceed in the normal
5 manner, Judge.

6 JUDGE HILLIARD: All right.

7 MR. GOLDSTEIN: This was just --

8 JUDGE HILLIARD: I don't -- we can do that.
9 We can confine his testimony, his direct testimony, to
10 the issues presented here by their witness.

11 When we come back, when his other
12 witness is available, we're going to lead off with
13 Mr. Wooten, and he can testify as to what his
14 complaint is. All right?

15 MR. JARRETT: Okay.

16 JUDGE HILLIARD: Good.

17 MR. JARRETT: That's my understanding.

18 JUDGE HILLIARD: So do you have any cross-
19 examination of Mr. Wooten --

20 MR. GOLDSTEIN: Yes, I do --

21 JUDGE HILLIARD: -- on this --

22 MR. GOLDSTEIN: -- Judge.

1 JUDGE HILLIARD: Okay. Go ahead.

2 CROSS-EXAMINATION

3 BY

4 MR. GOLDSTEIN:

5 Q Mr. Wooten, where do you reside?

6 A 9625.

7 Q South Halsted?

8 A Yes.

9 Q Do you have any proof with you that shows me

10 you do reside there?

11 A No. I didn't bring it with me.

12 Q Do you have a driver's license with you?

13 A I was held up a week ago.

14 Q What proof do I have, as we're sitting here

15 today, that you are, in fact, Orlando Franco Wooten?

16 Do you have anything with you that

17 would prove that?

18 A That's a good question. I was held up a week

19 ago.

20 JUDGE HILLIARD: And your identification was

21 stolen?

22 THE WITNESS: I was stuck up at gunpoint.

1 JUDGE HILLIARD: Sir, was your identification
2 stolen?

3 THE WITNESS: Yes.

4 BY MR. GOLDSTEIN:

5 Q So that the next time you appear here, you
6 will provide us with a driver's license or some
7 picture identification that will tell us that you are,
8 in fact, Orlando Franco Wooten. Is that agreeable?

9 A Yes.

10 MR. JARRETT: Well, your Honor, if counsel's
11 question is "is this Orlando Franco Wooten," I can
12 testify that he is.

13 I mean, what kind of proof do you
14 need?

15 MR. GOLDSTEIN: Just what I asked for.

16 MR. JARRETT: Are you trying to establish
17 that this is the guy or --

18 MR. GOLDSTEIN: Just what I asked for.

19 JUDGE HILLIARD: Picture ID, same thing you
20 need to get in the building.

21 MS. MEDINA: Yeah. How did he get in --

22

1 BY MR. GOLDSTEIN:

2 Q Mr. Wooten, how many buildings do you manage?

3 A I used to manage about three or four, four.

4 Four.

5 Q At the time of these alleged steals,

6 Mr. Wooten, how many buildings did you manage?

7 A Four.

8 Q And how many buildings of these alleged

9 steals did you own? Didn't you own all of them?

10 A No, sir.

11 Q Could you tell us what buildings you managed,

12 Mr. Wooten?

13 A The Marquette.

14 Q Which one on Marquette?

15 A 8620, 8615, and Cottage Grove.

16 Q Which one on --

17 A Two on Cottage Grove.

18 Q Which two on Cottage Grove?

19 A 9349.

20 JUDGE HILLIARD: 9326?

21 THE WITNESS: And 9326, yes.

22

1 BY MR. GOLDSTEIN:

2 Q And you --

3 JUDGE HILLIARD: And you live at --

4 THE WITNESS: 9625.

5 JUDGE HILLIARD: How about 9353?

6 THE WITNESS: 9353 is --

7 JUDGE HILLIARD: South Cottage?

8 THE WITNESS: That's included in that

9 building. That's all one building.

10 BY MR. GOLDSTEIN:

11 Q It's all one large building?

12 JUDGE HILLIARD: Which building?

13 THE WITNESS: 9349 to 53 is all one building.

14 BY MR. GOLDSTEIN:

15 Q So 8615 South Cottage -- South Marquette.

16 I'm sorry. You manage that property, and you did not

17 own it?

18 A Exactly.

19 Q And you never applied for service at any one

20 of the units in that building?

21 A I'm not sure about that.

22 Q What about 8620 South Marquette? Did you

1 ever apply for service as a customer of record of
2 Peoples Gas at 8620?

3 MR. JARRETT: Can you -- objection.

4 Can you establish a time, when you say
5 "ever," that --

6 MR. GOLDSTEIN: Ever, at any time in the last
7 ten years.

8 THE WITNESS: Yes, I did.

9 JUDGE HILLIARD: Hang on a second.

10 What's your connection to 2202 East
11 93rd? Do you manage that?

12 THE WITNESS: Yeah. I had managed that
13 before, but at the time I wasn't; but at the time in
14 question, I wasn't.

15 JUDGE HILLIARD: When did you stop managing
16 it?

17 THE WITNESS: In '90, about August -- July
18 '04.

19 JUDGE HILLIARD: And have you managed it
20 since that time?

21 THE WITNESS: No. I'm -- I -- indirectly.

22 I try to probably just -- I kind of

1 know the plumbing of the place a little bit, maybe
2 just some consultation with somebody, but the day-to-
3 day operations, no.

4 BY MR. GOLDSTEIN:

5 Q Then how are you familiar with the metering
6 arrangement at 2200 East 93rd Street?

7 A Because it's easily accessible by anyone.
8 Anyone who ever has been in the
9 building know the meters are all in the hallways,
10 right by each apartment door. So if you're in there,
11 anybody could...

12 Q Does the same thing hold true for 8620 South
13 Marquette, where the meters are in the hall?

14 A No. 8620 are in the basement, but the
15 basement's open because it's a laundry facility, so
16 any tenant has access to that area.

17 Q When you were managing these various
18 properties, did you ever keep a record of the gas
19 meter numbers at each and every one of the locations
20 you managed?

21 A No.

22 Q Then how do you know one meter belongs to one

1 property and not another?

2 A Well, from the -- only reason, in that
3 picture you showed me -- if you're referring back to
4 that picture you showed me?

5 Q I'm just talking in general terms.

6 A All I'm saying, only reason I knew that, from
7 the picture you showed me -- I don't know the exhibit
8 number.

9 It's the white paint in the background
10 because the hallways are white. That's the only
11 reason I knew that. I didn't know the meter. I just
12 knew the white background.

13 Q And the halls are still painted white today?

14 A Yes.

15 Q I'm going to show you Respondent's Exhibit 3.
16 This is for the property at 2202 East 93rd Street.

17 Is 2200 and 2202 really the same
18 building, Mr. Wooten?

19 A The address is 2200-02 East 93rd.

20 Q Okay.

21 And how many units are in that
22 building?

1 A Nine units.

2 Q Now, you testified that the meter was in the
3 hall, and it was fully accessible by anyone, correct?

4 A Yes.

5 Q And let me show you a picture of Respondent's
6 Exhibit 3, Mr. Wooten.

7 If it was accessible and in plain
8 sight of everyone, I assume it was in plain sight of
9 you while you were managing the property.

10 A Well, when I say "managing," that means I
11 wasn't there every day.

12 Q All right.

13 A That means that --

14 Q Did you ever notice the piping that's shown
15 on Respondent's Exhibit 3? And what I'm referring to
16 is the black piping above the meter.

17 A No, sir. That's maybe about ten feet high,
18 and I never --

19 Q So you never looked up that high?

20 A No, mm-mm.

21 Q Okay.

22 A Exactly, sir.

1 MR. GOLDSTEIN: Okay. Thank you. I have
2 nothing else.

3 EXAMINATION

4 BY

5 JUDGE HILLIARD:

6 Q Who owns these buildings if you don't? Who
7 owns the building at 8615 Marquette?

8 A It's all silent investors, some investors.

9 Q Who did you work for?

10 A It was -- I worked for a trust.

11 Q Who paid you? Who signed your checks?

12 A It wasn't a check.

13 It was just some petty cash out of
14 the -- petty cash I would get from the rents.

15 Q You collected rents?

16 A At times, when they had me collect the rents
17 or do the work around there.

18 Q Who's the "we"? Who had you collect rents?

19 A The trust, the --

20 Q What's the name of the person you dealt with
21 in the trust?

22 A There were several people. I forget them

1 all.

2 Q Give me a name.

3 A There was one name, Camar (phonetic).

4 Q Camar what?

5 A What's the last name on that? I can get her

6 last name on that, just call --

7 Q Camar's a female?

8 A Female.

9 Q And what address did you deliver the rents

10 to?

11 A I would meet her on the streets.

12 Q How did you get hired by these people?

13 A Just through some associations, street

14 associations, just street --

15 Q Some friend of yours introduced you to the

16 people who own these buildings?

17 A Just associations, just people who knew of me

18 and that -- just knew me.

19 Q What's the name of the person that introduced

20 you to the trust?

21 A The person, they -- their name's Thomas.

22 Q Thomas what?

1 A I don't know Thomas' last name. I don't know
2 his last name, but I can get it.

3 I mean, we -- everyone's on like, in
4 our circle of life, on a first-name basis. They just
5 didn't use last names.

6 Q Do these people give you a W-2 at the end of
7 the year?

8 A No. I wasn't paid enough to do that. It
9 wasn't --

10 Q You don't get a 1099?

11 A No.

12 Q How many years did you manage these
13 buildings?

14 A Last -- that -- when you -- three, three to
15 four years, three to four years or more, mm-hmm, three
16 to four years.

17 Q So from 2001 to the present, you've been
18 managing these buildings?

19 A I manage the buildings.

20 Q Are all of these buildings owned by the same
21 party?

22 A I don't -- I never got into -- asked a lot of

1 questions about who --

2 Q How many units are there in 8615 Marquette?

3 A Two.

4 Q How many units are there at 2202 East 93rd?

5 A It was nine.

6 Q How many units at 8620 South Marquette?

7 A It was four.

8 Q How many units at 9326 South Cottage?

9 A Three.

10 Q How many units at 9349 South Cottage?

11 A That whole -- that's a six-unit building.

12 That was the church, two churches and

13 a beauty salon on the first floor, stores, some

14 stores, three stores.

15 Q And that's the same location as 9353; is that

16 right?

17 A Yes, ma'am -- yes, sir.

18 Q 9325, how many units there?

19 A Three.

20 Q Do you own that building?

21 A My dad.

22 Q Your dad owns that building?

1 A Yes.

2 Q What's his name?

3 A Camon.

4 Q Can you spell that for me.

5 A C-a-m-o-n.

6 Q Camon Wooten?

7 A Mm-hmm.

8 Q And is that where he lives too?

9 A Yes, that's where he live.

10 Q And does he own any other properties?

11 A No, not to my knowledge.

12 Q Is that -- does he own that property in his

13 own name, or does he own it in a trust?

14 A I don't know exactly how he has his stuff,

15 sir, but he --

16 Q Do you manage that 9625 building also?

17 A No.

18 Q All right. All right.

19 A My --

20 Q So you manage one, two, three, four, five

21 buildings, and there's 11, 15, 18 -- 24 units in those

22 buildings?

1 A That's the total? That's what you're saying?

2 Q Yes, sir.

3 A Oh, okay.

4 Q And your testimony is you've been doing this
5 for three or four years and that they've never --
6 they've never written you a check, they've never given
7 you a 1099, and they've never given you a W-2; is that
8 right?

9 A No, sir. In that capacity, it was like I was
10 helping them out.

11 I'm a nurse, so I worked as a nurse
12 and a schoolteacher, so that's what -- that's my
13 career by education, by training. I worked -- I work
14 a job and --

15 Q But you told me you manage these buildings.

16 A Yes, I --

17 Q You testified to that.

18 A Yes.

19 Q All right.

20 What do your management duties consist
21 of?

22 A I did like a little -- any small maintenance

1 problems, any small maintenance problems.

2 Q Like what?

3 A Like plumbing, basic electrical, basic stuff
4 like that, cleaning. Mainly I cleaned up around the
5 building.

6 Q And how many hours a week did you spend
7 cleaning up at the buildings?

8 A Not very much, maybe I do a drive-by, stop,
9 sweep in the hallways, and keep on going.

10 Q Well, they got basements to clean. They got
11 common hallways to clean.

12 A Yes.

13 Q Do you vacuum the rugs in the hallways?

14 A No, wasn't rugs. All of it was just regular
15 tile floors, so...

16 Q You got anything to do with the garbage
17 service?

18 A The garbage, everyone took their own garbage
19 out.

20 Q Do you know who -- is there a garbage
21 contractor for these buildings?

22 A The city. The city picks up --

1 Q City picks up the garbage at a nine-unit
2 building?

3 A On that property there, I think they have a
4 contract with somebody.

5 Q Do you know who the contract is with?

6 A Groen Waste.

7 Q Say it gain.

8 A Groen Waste.

9 Q G-r-o-e-n?

10 A G-r-o-e-n, mm-hmm, out of Crestwood,
11 Illinois.

12 Q And how about that six-unit building at 9349
13 South Cottage?

14 A That's -- the city picks that up.

15 Q City does that one.

16 And your -- but you're telling me that
17 in all the time you've done this work for these
18 people, they've never given you any kind of a check or
19 any other paper --

20 A Well, it --

21 Q -- that indicates they paid you?

22 A It was more or less -- it was not like a job.

1 It was more or less -- it was more or
2 less just some money. Just basic money. It wasn't
3 any lot of money like there would be a 1099.

4 A lot of things in our world is just
5 not -- is not 1099 or --

6 Q Well, you collected rent on these buildings,
7 right?

8 A I had at times. Sometimes I had before, but
9 I don't -- I didn't do it all the time. It wasn't my
10 job to collect rents, no.

11 Q But you did collect rents.

12 A I have; like if somebody who they didn't
13 collect from, they'd -- if the person seed me, they
14 would give me their money order or something.

15 Q But would you go to the doors and ring the
16 bells and ask them for rents?

17 A No. I was not that --

18 Q And what happened if somebody didn't the pay
19 their rent? Who takes care of getting them out of the
20 building?

21 A I don't know how they worked that out.

22 Q You didn't do anything with that?

1 A No.

2 Q So that if I went and looked at court
3 records, I wouldn't see you as a plaintiff in any kind
4 of landlord-tenant case at those buildings?

5 A In the last years, you may see it once.

6 I'd go appear for them or something
7 like that because they couldn't go.

8 Q And your name is the plaintiff in that case?

9 A Yes.

10 Q Okay.

11 And are there any other landlord-
12 tenant cases where somebody else is named as the owner
13 of the building?

14 A I don't know what the -- whatever the
15 records --

16 Q You testified in one case.

17 Is there any other case you've
18 testified in over there, a landlord-tenant case?

19 A I can't recall.

20 You mean any other people -- you said
21 any other persons testified or --

22 Q No. Have you testified in more than one

1 landlord-tenant case?

2 A (No response.)

3 Q More than one time, collecting rent over at
4 one of those units?

5 A Over the years, I can't recall exactly, no,
6 sir. I don't recall the years.

7 Q And you don't know the name of the trust.

8 Do you know what bank it's at?

9 A No, I don't. I don't -- I don't -- I don't
10 get into that. I mean, that's not my thing.

11 Q Well, when you pick up -- when you get the
12 rent, the cash rent, you never go take that money to
13 an office? You meet somebody on the street?

14 A No, nobody have no office. I never --
15 just --

16 Q How do you tell them you've got the rent to
17 pay them?

18 A Pardon me, sir?

19 Q If you've got cash money --

20 A I don't have any cash.

21 Q All right.

22 What do you -- how do you collect the

1 rent?

2 A No. I'm just saying if somebody they didn't
3 get it from, they see me in the hall and gave me a
4 money order or something, I would take it.

5 Q You would take it where?

6 A I would see her on the street and give it to
7 her.

8 Q You would see who on the street and give it
9 to her?

10 A I said I give it to someone named Camar, a
11 young lady.

12 Q And how would you happen to see Camar? Would
13 you give her a call?

14 A She would call me.

15 Q And you don't have a number to call her?

16 A I had one, but that number's disconnected
17 now.

18 JUDGE HILLIARD: Okay.

19 Do you have any more questions?

20 MR. GOLDSTEIN: I would make a couple of
21 requests, if I could.

22 MR. JARRETT: Also, can I redirect, your

1 Honor?

2 JUDGE HILLIARD: Well, as soon as he's
3 through with cross, you can do redirect.

4 MR. GOLDSTEIN: I'd like to see
5 Mr. Wooten's -- in addition to that identification
6 that I requested, I'd like to see his tax returns to
7 see that he is a nurse or a schoolteacher. This is
8 news to us.

9 Also, I'd like to see any evidence
10 that Camon Wooten or anybody else owns any of those
11 properties.

12 JUDGE HILLIARD: All right.

13 You've been subpoenaed, and you were
14 told to bring with you any records relative to your
15 complaint; so the next time you come, I'm going to
16 expect you to bring a picture ID and tax returns.

17 Do you have any cross -- excuse me.
18 Redirect?

19 MR. JARRETT: Yes, I do.

20

21

22

1 REDIRECT EXAMINATION

2 BY

3 MR. JARRETT:

4 Q Is it normally your business to inquire or be
5 concerned about any gas accounts or any maintenance of
6 gas for the individual tenants in your -- at any of
7 the properties that you manage?

8 A No.

9 Q Is it also your business to be concerned with
10 ownership issues with the buildings?

11 A No.

12 Q Isn't it true that you were promised also, in
13 return for some of your work, that you would be given
14 certain interests in the building, a promise of
15 interest in the building?

16 A Yes.

17 Q And isn't it -- that's your primary sort of
18 motivation in doing the work that you're doing?

19 A Yes.

20 JUDGE HILLIARD: Who made those promises to
21 you?

22 THE WITNESS: The same person named Camar.

1 JUDGE HILLIARD: Okay. Go ahead.

2 BY MR. JARRETT:

3 Q And isn't it true that sometimes those
4 interests turned out to be nothing?

5 A Yes.

6 Q Just promises, and you do it anyway; isn't
7 that correct?

8 A Yes.

9 MR. JARRETT: That's the end of my testimony.

10 MR. GOLDSTEIN: I have just one follow-up.

11 JUDGE HILLIARD: You got re-recross?

12 MR. GOLDSTEIN: Just one question.

13 JUDGE HILLIARD: Okay.

14 RECROSS-EXAMINATION

15 BY

16 MR. GOLDSTEIN:

17 Q You, in fact, have paid over \$37,000 in
18 various payments to Peoples Gas in order to have gas
19 restored to these various properties; did you not?

20 A Yes.

21 Q Why would you do it if you had no interest in
22 the property? You just did it as a good samaritan?

1 Is that --

2 A No.

3 Q -- what you're telling us?

4 A No. That's what I was instructed to.

5 Q They were -- those payments that were made,
6 you made them out of your own account?

7 MR. JARRETT: Objection, your Honor.

8 BY MR. GOLDSTEIN:

9 Q Is that right?

10 MR. JARRETT: He's asking why, after they cut
11 him off -- he's asking why did he make a payment.

12 MR. GOLDSTEIN: He's seeking \$37,000 in
13 various payments that he made to --

14 JUDGE HILLIARD: I don't think he's testified
15 to how much money he's paid or how much --

16 MR. GOLDSTEIN: I think I've just ascertained
17 that in the question, Judge.

18 MR. JARRETT: Well, it's in the --

19 JUDGE HILLIARD: Actually, I think you're the
20 one who stated it.

21 You're introducing evidence. I don't
22 think that's appropriate. You have to get it through

1 him, and you haven't done that, and it's not --
2 re-re-recross is limited to the direct, so I -- unless
3 you got another question --

4 BY MR. GOLDSTEIN:

5 Q So as we sit here today, it's your testimony
6 that you have no actual ownership interest in any of
7 the properties that are listed in your complaint; is
8 that right?

9 A True, that's right. That's true.

10 Q And it's also your testimony that at no time
11 during 2004, 2003, 2002, up until today, in that
12 three- or four-year period that I've just cited, that
13 you were never the account holder for any of the 20-
14 some-odd properties that are shown --

15 A 20-some-odd properties?

16 Q Accounts. I'm sorry. 20 -- I'm sorry.
17 You're right -- 20-some-odd accounts that are listed
18 on Appendix A to your complaint; isn't that right?

19 MR. JARRETT: Can --

20 THE WITNESS: Can you repeat the question.

21 BY MR. GOLDSTEIN:

22 Q Yes, I'll be happy to.

1 A Please.

2 Q There are approximately 22 accounts that are
3 listed on Petitioner's Exhibit A to your complaint.

4 A I haven't seen it.

5 MR. JARRETT: This is it.

6 THE WITNESS: Okay. Petitioner -- okay.

7 BY MR. GOLDSTEIN:

8 Q And my question is: It's your testimony that
9 you -- that between 2002 and the present date, that
10 you were never the account holder for any of those
11 units in any of those buildings. Am I correct?

12 A Yes, I was the account holder.

13 Q Only for the 9625 South Halsted building?

14 A For 9625, second floor.

15 Q And that's the only one?

16 A That's where I live.

17 Q That's the only one?

18 A 9625 --

19 Q And that's the only --

20 A -- second floor.

21 Q And that's --

22 A That building, that's the only thing related

1 to Orlando Wooten in that building.

2 Q And that's the only account, out of all those
3 accounts that are shown on exhibit -- Appendix A to
4 the complaint, where you are the actual account
5 holder. Is that your testimony today?

6 A No.

7 MR. JARRETT: Can you -- are you referring to
8 time? Because --

9 MR. GOLDSTEIN: In his -- the 2002 to 2005
10 period.

11 MR. JARRETT: Okay.

12 MR. GOLDSTEIN: I'm sorry.

13 MR. JARRETT: Do you understand the question?

14 THE WITNESS: Can I consult with my attorney?

15 BY MR. GOLDSTEIN:

16 Q Well, for a four-year period between 2002 and
17 2005 --

18 JUDGE HILLIARD: Yes, you can speak to your
19 attorney.

20 THE WITNESS: Can I?

21 JUDGE HILLIARD: Yes, go ahead.

22 (Discussion off the record)

1 THE WITNESS: I can answer the question now.
2 I understand it a little better now.
3 BY MR. GOLDSTEIN:
4 Q Do you want me to repeat the question?
5 A Yes.
6 MR. GOLDSTEIN: Can you read the last
7 question back, please.
8 (Record read)
9 THE WITNESS: No.
10 BY MR. GOLDSTEIN:
11 Q Which accounts -- on which of the various
12 properties were you the account holder?
13 A 9625 South Halsted, second floor, heat.
14 JUDGE HILLIARD: Any other ones?
15 THE WITNESS: The other ones was the ones
16 that I filed in my complaint, that they just put my
17 name in, threw my name in the pie and said I owed all
18 this money.
19 MR. GOLDSTEIN: Okay.
20 JUDGE HILLIARD: Okay.
21 THE WITNESS: Okay?
22 JUDGE HILLIARD: Do you have any more

1 questions, Mr. Jarrett?

2 MR. JARRETT: No, I don't.

3 JUDGE HILLIARD: That's all for today then?

4 MR. GOLDSTEIN: That's all for today.

5 JUDGE HILLIARD: Do you want to call these

6 gentlemen?

7 MR. JARRETT: No more witnesses.

8 JUDGE HILLIARD: No more witnesses?

9 MR. JARRETT: None that I'm going to call.

10 JUDGE HILLIARD: Okay.

11 MR. JARRETT: I swore them in as potential

12 witnesses, but I'm not calling them.

13 JUDGE HILLIARD: Fine.

14 Let's agree on a new date.

15 MR. GOLDSTEIN: We expect Ms. Anderson back

16 to work on Friday, Judge.

17 JUDGE HILLIARD: Okay.

18 MR. GOLDSTEIN: I guess, unless I hear

19 otherwise, she's available the 9th and 10th of

20 November, the 14th, the 16th.

21 JUDGE HILLIARD: You got your calendar with

22 you, Mr. Jarrett?

1 MR. JARRETT: Well --

2 JUDGE HILLIARD: Can you agree on a date?

3 MR. GOLDSTEIN: Or we can have any day of the

4 week of December 5th. I'm free the entire week.

5 JUDGE HILLIARD: How about November 16?

6 MR. JARRETT: We have a -- there's another

7 case on the 16th I'm involved in.

8 I would say it's hard to do it before

9 December. I don't know what that does to the time

10 line of the -- when the decision needs to be rendered.

11 JUDGE HILLIARD: How about December 6?

12 MR. GOLDSTEIN: That's perfectly fine with

13 us, Judge.

14 MR. JARRETT: That's fine.

15 JUDGE HILLIARD: Now, I told you last time,

16 when you asked for a continuance, that I want -- I

17 want something in writing from you right now waiving

18 the one-year limitation on these cases because --

19 MR. JARRETT: We can do it right now.

20 JUDGE HILLIARD: Right now. I want it in my

21 hand.

22 And I would like something from you to

1 the same effect, Mr. Goldstein.

2 MR. GOLDSTEIN: I believe I signed --

3 JUDGE HILLIARD: You gave it to him?

4 MR. GOLDSTEIN: -- something and gave it to

5 him, Judge. I believe I did.

6 JUDGE HILLIARD: Okay.

7 MR. GOLDSTEIN: I did sign it, didn't I?

8 MR. JARRETT: Yes.

9 JUDGE HILLIARD: The order of proceeding next

10 time is Mr. Wooten will put on his case in chief,

11 establishing the facts giving rise to his complaint,

12 and then you're going to respond.

13 MR. GOLDSTEIN: Correct.

14 MR. JARRETT: (Tendering document.)

15 JUDGE HILLIARD: Thank you.

16 Okay. Is there anything else we need

17 to do today?

18 MR. GOLDSTEIN: That's it.

19 JUDGE HILLIARD: Thank you very much,

20 gentlemen.

21 (Continued to December 6, 2005,

22 at 10:00 o'clock a.m.)